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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION

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UNITED STATES OF AMERICA

Plaintiff,

v.

SHANE MARCHANT ROSSMAN

Defendant.

Case # 1:06CR00102-DAK

PRELIMINARY ORDER OF  
FORFEITURE

JUDGE: DALE A. KIMBALL

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IT IS HEREBY ORDERED that:

1. As a result of a plea of guilty to Count 1 of the Indictment for which the government sought forfeiture pursuant to 18 U.S.C. § 924(d)(1) the defendant Shane Marchant Rossman shall forfeit to the United States all property, real or personal, that is derived from, used, or intended to be used in violation of 18 U.S.C. § 922 (g)(1), including but not limited to:

- Browning 300 Magnum Rifle, Serial Number: 107NV11345
- Winchester Model 1300 12 Gauge Shotgun, Serial Number: 62476002

2. The Court has determined that based on a guilty plea of possession of a firearm by a convicted felon, that the above-named properties are subject to forfeiture, that the defendant had an interest in the properties, and that the government has established the requisite nexus between such properties and such offense.

3. Upon entry of this Order the Attorney General, or its designee is authorized to seize and conduct any discovery proper in identifying, locating, or disposing of the properties

subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. Upon entry of this Order the Attorney General or its designee is authorized to commence any applicable proceeding to comply with statutes governing third party interests, including giving notice of this Order.

5. The United States shall publish notice of this Order on its intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject currency and property.

6. Any person, other than the above named defendants, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property, and amendment of the order of forfeiture pursuant to 21 U.S.C. § 853.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendants at the time of sentencing and shall be made part of the sentence and included in the judgment.

8. Any petition filed by a third party asserting an interest in the subject currency and property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's acquisition of the right, title, or interest in the subject property, any additional facts supporting the petitioners claim and relief sought.

9. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal

Rules of Criminal Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

10. The United States shall have clear title to the subject property following the Court's disposition of all third party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853 which is incorporated by 18 U.S.C. § 982(b) for the filing of third party petitions.

11. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

Dated this 5<sup>th</sup> day of September, 2008.

BY THE COURT:

  
DALE A. KIMBALL, Judge  
United States District Court

GRANT R. CLAYTON (Utah State Bar No. 4582)  
WESLEY M. LANG (Utah State Bar No. 4613)  
**CLAYTON, HOWARTH & CANNON, P.C.**  
6965 Union Park Center, Suite 400  
Cottonwood heights, Utah 84047  
P.O. Box 1909  
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Telephone: (801) 255-5335  
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FILED  
U.S. DISTRICT COURT  
2008 SEP -5 A 9:46  
DISTRICT OF UTAH  
BY: \_\_\_\_\_  
DEPUTY CLERK

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OFFICE OF  
JUDGE TENA CAMPBELL

Attorneys for Plaintiff,  
PATRICK OVERTON

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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PATRICK OVERTON,	)	
	)	
Plaintiff,	)	
	)	<b>CONSENT JUDGMENT</b>
vs.	)	
	)	Civil No.: 1:06 CV 00097
THE CALLIGRAPHY COLLECTION,	)	
INC., KATY FISCHER, ALAN FISCHER,	)	Judge: Tena Campbell
JOHN DOES 1-5, and JANE DOES 1-5,	)	
	)	
Defendants.	)	

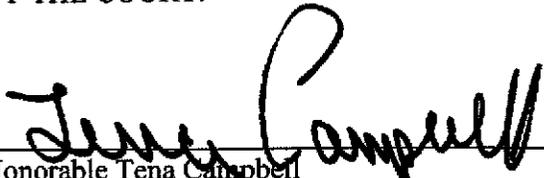
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Plaintiff PATRICK OVERTON (hereinafter "Overton"), by and through counsel of record, and defendants The Calligraphy Collection, Inc., Katy Fischer and Alan Fischer, (hereinafter "Defendants") by and through their counsel of record having filed a Stipulation and Motion to enter a Consent Judgement, and the court being fully advised in the premises, and good cause appearing, IT IS HEREBY ORDERED ADJUDGED AND DECREED as follows:

1. Defendants, and any other companies that they control, are permanently enjoined from any and all use of any and all use of the copyrighted "Faith" poem, belonging to Overton, in conjunction with any activity in which they are currently engaged, business or otherwise, or in which they may hereafter engage, including any web sites or web pages they own or control.
2. This Consent Judgment represents a final judgment in this matter and constitutes the final resolution of the dispute between the parties in this matter. The parties shall bear their own costs and attorneys fees.

DATED this 4 day of Sept, 2008.

BY THE COURT:

  
\_\_\_\_\_  
Honorable Tena Campbell

APPROVED AS TO FORM

\_\_\_\_\_

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION**

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLINTON ELLIOT SHUMWAY,

Defendant.

**ORDER TO CONTINUE  
JURY TRIAL**

Case No. 1:07 CR 67 TS

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Based on the motion to continue the Jury Trial filed by defendant, Clinton Elliot Shumway, in the above-entitled case, and good cause appearing, it is hereby:

ORDERED

The three day Jury Trial previously scheduled to begin on September 15, 2008, is hereby continued to the 3rd day of November, 2008, at 8:30 a.m. Pursuant to 18 U.S.C. § 3161(h), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the time between the date of this order and the new trial date set forth above is excluded from speedy trial computation for good cause.

Dated this 5th day of September, 2008.

BY THE COURT:

  
\_\_\_\_\_  
Ted Stewart  
United States District Court Judge

UNITED STATES DISTRICT COURT

Northern

U.S. DISTRICT COURT

District of

Utah

UNITED STATES OF AMERICA

SEP -5 A 10: 52

JUDGMENT IN A CRIMINAL CASE

V.

DISTRICT OF UTAH

Filiberto Medina-Carranza

BY: DEPUTY CLERK

Case Number:

DUTX 1:08CR0071-001 TC

USM Number:

15539-081

Kris Angelos

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) One of the Indictment

pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 USC § 1326	Reentry of Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) \_\_\_\_\_  is  are dismissed on the motion of the United States.

It is ordered that the defendant must 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. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/3/2008

Date of Imposition of Judgment

*Tena Campbell*

Signature of Judge

Tena Campbell

Chief United States District Court Judge

Name and Title of Judge

9-4-2008

Date

DEFENDANT: Filiberto Medina- Carranza  
CASE NUMBER: 1:08CR0071-001 TC

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

#### TIME SERVED

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Filiberto Medina-Carranza  
CASE NUMBER: 1:08CR0071-001 TC

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

**12 Months**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

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

The defendant shall not unlawfully possess a controlled substance. 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 determined by the court.

- 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.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the 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 the instructions of the probation officer;
- 4) the defendant shall support his or her dependents 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 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; and
- 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.

DEFENDANT: Filiberto Medina-Carranza  
CASE NUMBER: 1:08CR0071-001 TC

**SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not illegally reenter the United States.

DEFENDANT: Filiberto Medina-Carranza  
CASE NUMBER: 1:08CR0071-001 TC

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>		<u>Fine</u>		<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00		\$		\$

- The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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<b>TOTALS</b>	\$ _____	0	\$ _____	0
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- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, 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 for the  fine  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Filiberto Medina-Carranza  
CASE NUMBER: 1:08CR0071-001 TC

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 100.00 due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document

UNITED STATES DISTRICT COURT

FILED U.S. DISTRICT COURT

Northern

District of

Utah

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Jorge Luis Cisneros-Jimenez

2008 SEP -5 A 9:39

DISTRICT OF UTAH

Case Number: DUTX 1:08-cr-000072-001

USM Number: 15542-081

Kristen Angelos

Defendant's Attorney

THE DEFENDANT:

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

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Row 1: 8USC§1326, Re-Entry of a Previously Removed Alien, 1



The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)
Count(s) is are dismissed on the motion of the United States.

It is ordered that the defendant must 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.

9/3/2008

Date of Imposition of Judgment

Dee Benson (Signature)

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

9/4/2008

Date

DEFENDANT: Jorge Luis Cisneros-Jimenez  
CASE NUMBER: DUTX 1:08-cr-000072-001

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

6 months.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Jorge Luis Cisneros-Jimenez  
CASE NUMBER: DUTX 1:08-cr-000072-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

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

The defendant shall not unlawfully possess a controlled substance. 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 determined by the court.

- 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.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the 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 the instructions of the probation officer;
- 4) the defendant shall support his or her dependents 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 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; and
- 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.

DEFENDANT: Jorge Luis Cisneros-Jimenez  
CASE NUMBER: DUTX 1:08-cr-000072-001

### **SPECIAL CONDITIONS OF SUPERVISION**

The defendant shall not reenter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of his arrival in the United States.



DEFENDANT: Jorge Luis Cisneros-Jimenez  
CASE NUMBER: DUTX 1:08-cr-000072-001

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 100.00 due immediately, balance due
- not later than \_\_\_\_\_, or  
 in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

PAGES 7-10 ARE FILED  
UNDER SEPARATE COVER

THEY ARE THE SEALED  
STATEMENT OF REASONS

CASE 1:08cr00072-001 DB

USA v. Jorge Luis Cisneros-  
Jimenez

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

GLADSTONE ALWIN ADAMS,

Defendant.

CASE: 1:08CR00075-DAK

PRELIMINARY ORDER OF FORFEITURE

JUDGE: Dale A. Kimball

---

IT IS HEREBY ORDERED that:

1. As a result of a plea of guilty to Counts 1 and 2 of the Indictment for which the government sought forfeiture pursuant to 18 U.S.C. § 924(d)(1) and 21 U.S.C. § 853 the defendant Gladstone Alwin Adams shall forfeit to the United States all property, real or personal, that is derived from, used, or intended to be used in violation of 18 U.S.C. § 922(g)(1) and 21 U.S.C. § 841(a)(1), including but not limited to:

- \$1, 239.00 in United States Currency
- .40 Caliber, Springfield Armory Handgun, Serial Number: US466298
- .380 Caliber Hi-Point Handgun Model CF380, Serial Number: P768272
- Miscellaneous Ammunition

2. The Court has determined that based on a guilty plea of Felon in Possession of a firearm and Possession of a Controlled Substance with Intent to Distribute, that the above-named properties are subject to forfeiture, that the defendant had an interest in the properties, and that

the government has established the requisite nexus between such properties and such offense.

3. Upon entry of this Order the Attorney General, or its designee is authorized to seize and conduct any discovery proper in identifying, locating, or disposing of the properties subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. Upon entry of this Order the Attorney General or its designee is authorized to commence any applicable proceeding to comply with statutes governing third party interests, including giving notice of this Order.

5. The United States shall publish notice of this Order on its intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject currency and property.

6. Any person, other than the above named defendants, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property, and amendment of the order of forfeiture pursuant to 21 U.S.C. § 853.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendants at the time of sentencing and shall be made part of the sentence and included in the judgment.

8. Any petition filed by a third party asserting an interest in the subject currency and property shall be signed by the petitioner under penalty of perjury and shall set forth the nature

and extent of the petitioner's acquisition of the right, title, or interest in the subject property, any additional facts supporting the petitioners claim and relief sought.

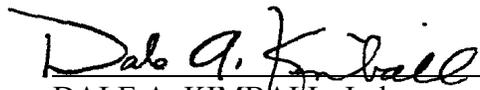
9. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Criminal Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

10. The United States shall have clear title to the subject property following the Court's disposition of all third party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853 which is incorporated by 18 U.S.C. § 982(b) for the filing of third party petitions.

11. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

Dated this 5<sup>th</sup> day of September, 2008.

BY THE COURT:

  
DALE A. KIMBALL, Judge  
United States District Court

United States Probation Office  
for the District of Utah

**RECEIVED**

SEP 03 2008

**Report on Offender Under Supervision**

OFFICE OF  
JUDGE TENA CAMPBELL

Docket Number: 2:03-CR-00172-001-DKW

Name of Offender: **Brian Palmer**

Name of Sentencing Judicial Officer: **Honorable David K. Winder  
Senior United States District Judge**

Date of Original Sentence: **July 28, 2003**

Original Offense: **Possession of a Firearm by a Convicted Felon**

Original Sentence: **70 Months BOP Custody/36 Months Supervised Release**

Type of Supervision: **Supervised Release**

Supervision Began: **May 16, 2008**

FILED  
U.S. DISTRICT COURT  
2008 SEP -5 A 9:11  
DISTRICT OF UTAH  
BY: SECURITY OFFICER

**SUPERVISION SUMMARY**

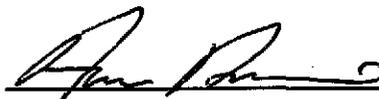
On July 9, 2008, the defendant reported to this officer that he had made contact with West Jordan Police Department Detective regarding violating a Protective Order. Contact was made with Detective Skinner who advised that the defendant had driven past his ex-wife while she was walking alongside 90<sup>th</sup> South. At this time the defendant was advised to stay away from his ex-wife and that charges may be forthcoming.

On August 8, 2008, the defendant contacted this officer and advised that he received a letter in the mail indicating that a Warrant had been issued for his arrest based on the above mentioned offense. The defendant was instructed to turn himself in and to follow court proceedings. Subsequent to the defendant turning himself in, he was arrested and then later bailed out. Since his release, the defendant has maintained contact with the United States Probation Office and reports that he is scheduled to appear in court September 29, 2008. Contact has been made with the defendant's ex-wife as well as his parents with whom he lives. Both parties indicate that the defendant has had contact with the petitioner since the alleged contact on July 9, 2008.

Based on the current information it is recommended that no further action be taken at this time.

If the Court desires more information or another course of action, please contact me at (801) 535-2739.

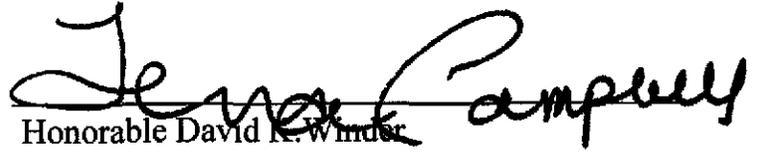
I declare under penalty of perjury that the foregoing is true and correct.



Anrico Delray  
U.S. Probation Officer  
Date: September 3, 2008

THE COURT:

- Approves the request noted above  
 Denies the request noted above  
 Other

  
Honorable David K. Winder  
United States District Judge

Date: 9-4-2008

UNITED STATES DISTRICT COURT  
for the

FILED  
U.S. DISTRICT COURT

2008 SEP -5 A 9:39

DISTRICT OF UTAH

United States of America )  
v. )  
JOSE URIARTE-CORTEZ )

Case No: DUTX204CR000025-001  
USM No: 11276-081  
Audrey James  
Defendant's Attorney

Date of Previous Judgment: 10/27/2004  
(Use Date of Last Amended Judgment if Applicable)

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 75 months is reduced to 62.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 26 Amended Offense Level: 24  
Criminal History Category: IV Criminal History Category: IV  
Previous Guideline Range: 70 to 87 months Amended Guideline Range: 57 to 71 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 10/27/2004 shall remain in effect.

IT IS SO ORDERED.

Order Date: 09/04/2008

Dee Benson  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

DEE BENSON DISTRICT COURT JUDGE  
Printed name and title

# UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT

Central

District of

Utah

UNITED STATES OF AMERICA

2008 SEP -5 A 10 51

JUDGMENT IN A CRIMINAL CASE

V.

(For Revocation of Probation or Supervised Release)

DISTRICT OF UTAH

Benedicto Lazaro-Lopez

BY: DEPUTY CLERK

Case Number:

DUTX 2:04CR00428-001 TC

USM Number:

52121-019

Viviana Ramirez

Defendant's Attorney

### THE DEFENDANT:

admitted guilt to violation of condition(s) #1 of the Petition of the term of supervision.

was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

#### Violation Number

#### Nature of Violation

#### Violation Ended

1.	On or about 6/2/2008, the defendant illegally reentered the United States and was found in Clark County, Nevada. No information has been received to indicate that the defendant had legal permission to enter the country.	
----	---	--

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) condition.

It is ordered that the defendant must 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. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: \_\_\_\_\_

09/02/2008

Defendant's Date of Birth: \_\_\_\_\_

Date of Imposition of Judgment

Tena Campbell

Defendant's Residence Address: \_\_\_\_\_

Signature of Judge

\_\_\_\_\_

Tena Campbell Chief, United States District Court Judge  
Name and Title of Judge

\_\_\_\_\_

9-4-2008

\_\_\_\_\_

Date

\_\_\_\_\_

Defendant's Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DEFENDANT: Benedicto Lazaro-Lopez  
CASE NUMBER: 2:04CR00428-001 TC

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

18 Months

✱ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends the defendant serve his sentence at the facility located in Tuscon, Arizona.

✱ The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

- at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_
- as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- before 2 p.m. on \_\_\_\_\_
- as notified by the United States Marshal.
- as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Benedicto Lazaro-Lopez  
CASE NUMBER: 2:04CR00428-001 TC

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

18 Months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

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

The defendant shall not unlawfully possess a controlled substance. 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 determined by the court.

- 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.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the 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 the instructions of the probation officer;
- 4) the defendant shall support his or her dependents 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 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; and
- 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.

DEFENDANT: Benedicto Lazaro-Lopez  
CASE NUMBER: 2:04CR00428-001 TC

**SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not illegally reenter the United States.

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

KENNETH G. HANSEN, et al.,  
Plaintiffs,

vs.

MARC S. JENSON, et al.,  
Defendants.

MEMORANDUM DECISION AND  
ORDER GRANTING PLAINTIFFS'  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT IN FAVOR  
OF PLAINTIFFS DAVID RUTTER  
AND TODD FISHER AGAINST  
DEFENDANT SPENCER BRANNAN

Case No. 2:04-CV-867 TS

---

This matter comes before the Court on Plaintiffs' Motion for Partial Summary Judgment in Favor of Plaintiffs David Rutter and Todd Fisher Against Defendant Spencer Brannan. Plaintiffs Rutter and Fisher seek summary judgment against Defendant Brannan on their Tenth Claim for Relief—breach of the Letter Agreement. Defendant Brannan, who is proceeding pro se, has not responded to Plaintiffs' Motion. For the reasons discussed below, the Court will grant the Motion.

## I. SUMMARY JUDGMENT STANDARD

Summary judgment is proper if the moving party can demonstrate that there is no genuine issue of material fact and it is entitled to judgment as a matter of law.<sup>1</sup> In considering whether genuine issues of material fact exist, the Court determines whether a reasonable jury could return a verdict for the nonmoving party in the face of all the evidence presented.<sup>2</sup> The Court is required to construe all facts and reasonable inferences in the light most favorable to the nonmoving party.<sup>3</sup>

If the nonmoving party fails to respond, the district court may not grant the motion without first examining the moving party's submission to determine if it has met its initial burden of demonstrating that no material issues of fact remain for trial and the moving party is entitled to judgment as a matter of law. If it has not, summary judgment is not appropriate, for “[n]o defense to an insufficient showing is required.”<sup>4</sup>

## II. FACTUAL BACKGROUND

The undisputed facts are as follows. K&D Development, LC (“K&D”) owned a large piece of commercial property located in Lehi, Utah (the “Lehi Property”). David Rutter and FiberTel, Inc. (“FiberTel”) were the sole members of K&D. Todd Fisher was an officer of FiberTel.

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<sup>1</sup>Fed. R. Civ. P. 56(c).

<sup>2</sup>*Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986); *Clifton v. Craig*, 924 F.2d 182, 183 (10th Cir. 1991).

<sup>3</sup>*Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986); *Wright v. Southwestern Bell Tel. Co.*, 925 F.2d 1288, 1292 (10th Cir. 1991).

<sup>4</sup>*Reed v. Bennett*, 312 F.3d 1190, 1194–95 (10th Cir. 2002) (quoting *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 160-61 (1970)).

During the summer of 2000, Defendant Brannan solicited Rutter and Fisher to execute a deed of trust on the Lehi Property for the purpose of securing a loan on the Lehi Property. Brannan promised to repay the loan on the Lehi Property and release the trust deed within 30 days and, as consideration for K&D granting the trust deed, to repay the remaining mortgage debt on the property. On September 26, 2000, Rutter executed a deed of trust on behalf of K&D which was used to secure a \$345,000 loan from Dale Holt. Brannan did not repay Holt within 30 days as promised. Brannan explained that there had been some difficulty and that he needed K&D to execute an additional deed of trust to secure another loan. Rutter then signed a second deed of trust on November 2, 2000, which was used to secure a \$706,000 loan from Creekside Funding.

Neither loan was paid when due. Both Holt and Creekside Funding sent K&D notices of default and scheduled foreclosure sales. Creekside Funding purchased the Lehi Property at the Holt foreclosure sale.

Throughout 2001 and 2002, Brannan promised to repay K&D for the loss of the Lehi Property. On May 17, 2002, Brannan executed a Letter Agreement whereby he promised to pay Rutter and Fisher the total sum of \$2,150,000 (the value of the Lehi Property) plus interest at a rate of twelve percent per annum. Brannan has failed to make payments under the Letter Agreement.

### III. DISCUSSION

“The elements of a prima facie case for breach of contract are (1) a contract, (2) performance by the party seeking recovery, (3) breach of the contract by the other party, and (4)

damages.”<sup>5</sup> The undisputed facts show that each of these elements has been met here. Thus, Plaintiffs Rutter and Fisher are entitled to summary judgment against Defendant Brannan on their Tenth Claim for Relief.

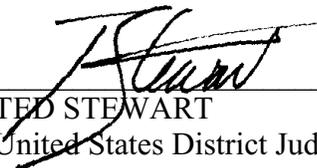
#### IV. CONCLUSION

It is therefore

ORDERED that Plaintiffs’ Motion for Partial Summary Judgment in Favor of Plaintiffs David Rutter and Todd Fisher Against Defendant Spencer Brannan (Docket Nos. 130 and 181) is GRANTED.

DATED September 5, 2008.

BY THE COURT:

  
\_\_\_\_\_  
TED STEWART  
United States District Judge

---

<sup>5</sup>*Bair v. Axiom Design, L.L.C.*, 20 P.3d 388, 391 (Utah 2001) (citing *Nuttall v. Berntson*, 30 P.2d 738, 741 (Utah 1934)).

CC: Prob.

United States District Court  
for the District of Utah

FILED  
U.S. DISTRICT COURT

**Request and Order for Modifying Conditions of Supervision  
With Consent of the Offender**  
(Waiver of hearing attached)

2008 SEP -5 P 12:14

DISTRICT OF UTAH

Name of Offender: **Danette R. Gabaldon**

Docket Number: **2:05-CR-00247-002-DS**

Name of Sentencing Judicial Officer: **Honorable David Sam  
Senior United States District Judge**

Date of Original Sentence: **October 13, 2005**

Original Offense: **Identity Fraud, Bank Fraud**  
Original Sentence: **21 Months BOP, 60 Months Supervised Release**

Date of Violation Sentence: **May 9, 2007**  
Violation Sentence: **14 Months BOP, 12 Months Supervised Release**

Type of Supervision: **Supervised Release** Current Supervision Began: **July 25, 2008**

**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

The defendant shall reside in a residential reentry center under a Public Law placement for a period of up to 180 days, with release for work, education, medical, religious services, treatment, or other approved release as deemed appropriate by the probation office or residential reentry center.

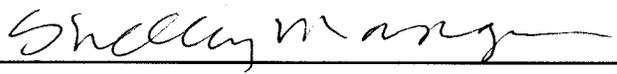
**CAUSE**

On September 4, 2008, the defendant admitted that on or about September 3, 2008, she used methamphetamine. The defendant contributes her relapse to being overwhelmed with insufficient finances. The defendant has been living with friends and was feeling pressure to move and had just been notified that child support payments were going to be garnished from her wages.

The defendant has started attending counseling at Valley Mental Health, and states she understands she needs help in addressing her mental health and substance abuse issues. The defendant is employed as a waitress, and states she enjoys her employment.

Placement at the residential reentry center is being sought to provide more structure and accountability, while allowing the defendant to participate in counseling and maintain her employment.

I declare under penalty of perjury that the foregoing is true and correct



Shelley Mangum, U.S. Probation Officer  
Date: September 4, 2008

**THE COURT ORDERS:**

- The modification of conditions as noted above
- No action
- Other

*Dee Benson*

Honorable ~~David Sam~~ *Dee Benson*  
Senior United States District Judge

Date: 9/5/08

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
PROBATION AND PRETRIAL SERVICES OFFICE

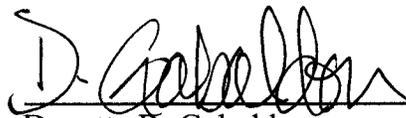
WAIVER OF RIGHT TO HEARING PRIOR TO  
MODIFICATION OF CONDITIONS OF SUPERVISION

I have been advised by United States Probation Officer Shelley Mangum that she has submitted a petition and report to the Court recommending that the Court modify the conditions of my supervision in Case No.2:05-CR-00247-002 DS. The modification would be:

**The defendant shall reside in a residential reentry center under a Public Law placement for a period of up to 180 days, with release for work, education, medical, religious services, treatment, or other approved release as deemed appropriate by the probation office or residential reentry center.**

I understand that should the Court so modify my conditions of supervision, I will be required to abide by the new condition(s) as well as all conditions previously imposed. I also understand the Court may issue a warrant and revoke supervision for a violation of the new condition(s) as well as those conditions previously imposed by the Court. I understand I have a right to a hearing on the petition and to prior notice of the date and time of the hearing. I understand that I have a right to the assistance of counsel at that hearing.

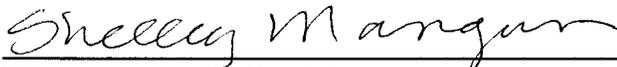
Understanding all of the above, I hereby waive the right to a hearing on the probation officer's petition, and to prior notice of such hearing. I have read or had read to me the above, and I fully understand it. I give full consent to the Court considering and acting upon the probation officer's petition to modify the conditions of my supervision without a hearing. I hereby affirmatively state that I do not request a hearing on said petition.



Danette R. Gabaldon

9-4-08

Date



Witness: Shelley Mangum  
United States Probation Officer

UNITED STATES DISTRICT COURT

CENTRAL

District of

UTAH

U.S. DISTRICT COURT

UNITED STATES OF AMERICA

AMENDED JUDGMENT IN A CRIMINAL CASE

V.

2008 SEP -4 P 2:28

Dennis B. Evanson

Case Number:

DUTX 2:05CR00805-001 TC

DISTRICT OF

USM Number:

13115-081

Date of Original Judgment: 8/15/2008 (Or Date of Last Amended Judgment)

BY:

Charles J. Muller

Defendant's Attorney

DEPUTY CLERK

Reason for Amendment:

- Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
Direct Motion to District Court Pursuant 28 U.S.C. § 2255 or 18 U.S.C. § 3559(c)(7)
Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

- pleaded guilty to count(s)
pleaded nolo contendere to count(s) which was accepted by the court.
was found guilty on count(s) 1, 2-8, 28-36 and 39-49 of the Indictment after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Rows include 18 USC § 371, 26 USC § 7201, and 26 USC § 7206(2).

The defendant is sentenced as provided in pages 2 to page 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) 37 and 38 of the Indictment
Count(s) is are dismissed on the motion of the United States.

It is ordered that the defendant must 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.

8/15/2008 Date of Imposition of Judgment

Tena Campbell Signature of Judge

Tena Campbell Chief, United States District Court Judge Name and Title of Judge

9-3-2008 Date

DEFENDANT: Dennis B. Evanson  
CASE NUMBER: 2:05CR00805-001 TC

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term

**120 Months**

The court makes the following recommendations to the Bureau of Prisons:  
**The Court recommends the defendant serve his sentence at an appropriate level facility in Colorado, to allow family visitations.**

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_ .

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 12 p.m. on 9/26/2008 at 12:00 Noon .

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
a \_\_\_\_\_ with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Dennis B. Evanson  
CASE NUMBER: 2:05CR00805-001 TC

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of

**36 Months**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

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

The defendant shall not unlawfully possess a controlled substance. 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 determined by the court.

- 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.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the 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 the instructions of the probation officer;
- 4) the defendant shall support his or her dependents 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 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; and
- 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, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

DEFENDANT: Dennis B. Evanson  
CASE NUMBER: 2:05CR00805-001 TC

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall maintain full-time, verifiable employment throughout the term of supervision as deemed appropriate by the probation office.
2. The defendant shall refrain from incurring new credit charges or opening additional lines of credit, unless he is in compliance with any established payment schedule and obtains the approval of the probation office.
3. The defendant shall provide the probation office access to all requested financial information.
4. The defendant shall file all delinquent tax returns with the IRS case investigator within 30 days of the date of sentencing.
5. The defendant shall establish a payment schedule with the IRS for the payment of his delinquent tax obligations within 30 days from the date of sentencing.
6. During the 30 days prior to his self surrender date, the defendant shall fully cooperate with the IRS to prepare a assessment of all delinquent tax returns and be in full compliance with a payment schedule. Payment schedule will be made available by the IRS to the Probation Office to ensure compliance.

DEFENDANT: Dennis B. Evanson  
CASE NUMBER: 2:05CR00805-001 TC

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>		<u>Fine</u>		<u>Restitution</u>
<b>TOTALS</b>	\$ 2800.00		\$		\$

The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

<b>TOTALS</b>	\$ _____	\$ _____
---------------	----------	----------

Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, 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 for  fine  restitution.

the interest requirement for the  fine  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Dennis B. Evanson  
CASE NUMBER: 2:05CR00805-001

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 2800.00 due immediately, balance due
- not later than \_\_\_\_\_, or  
 in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

**Restitution payments shall begin upon release from incarcerations, payments shall be made in accordance with a schedule established with the IRS, as directed by the United States Probation Office.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT

FILED U.S. DISTRICT COURT

CENTRAL

District of

UTAH

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

JOHN DAVID McKELVIE

Case Number: DUTX206CR000169-002

USM Number: N/A

Max Wheeler

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) 22 of the Superceding Indictment
pleaded nolo contendere to count(s) which was accepted by the court.
was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Row 1: 18 U.S.C. § 1001(a) and Concealment by Trick, Scheme and Device, 22s. Row 2: 18 U.S.C. § 2

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)
Count(s) 1s,3s-13s,17s-21s,23s is are dismissed on the motion of the United States.

It is ordered that the defendant must 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.

9/3/2008 Date of Imposition of Judgment

Dee Benson Signature of Judge

Dee Benson U.S. District Judge Name of Judge Title of Judge

9/4/2008 Date

DEFENDANT: JOHN DAVID McKELVIE  
CASE NUMBER: DUTX206CR000169-002

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

none.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JOHN DAVID McKELVIE  
CASE NUMBER: DUTX206CR000169-002

## PROBATION

The defendant is hereby sentenced to probation for a term of :

twelve months, unsupervised.

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

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- 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.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the 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 the instructions of the probation officer;
- 4) the defendant shall support his or her dependents 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 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; and
- 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.



DEFENDANT: JOHN DAVID McKELVIE  
CASE NUMBER: DUTX206CR000169-002

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 1,100.00 due immediately, balance due  
 not later than \_\_\_\_\_, or  
 in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

PAGES 7-9 ARE FILED  
UNDER SEPARATE COVER

THEY ARE THE SEALED  
STATEMENT OF REASONS

CASE 2:06cr00169-002 DB

USA v. John David McKelvie

UNITED STATES DISTRICT COURT

FILED  
U.S. DISTRICT COURT

CENTRAL

District of

UTAH

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

PAUL CARD GREAVES

Case Number: DUTX206CR000169-003

USM Number: N/A

Michael Jaenish

Defendant's Attorney

2008 SEP -5 A 9:40

DISTRICT OF UTAH

DEPUTY CLERK

THE DEFENDANT:

pleaded guilty to count(s) 22 of the Superceding Indictment

pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1001(a) and	Concealment by Trick, Scheme and Device		22s
18 U.S.C. § 2			

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) 1s -21s,23s,24s-26s,27s-29s  is  are dismissed on the motion of the United States.

It is ordered that the defendant must 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. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/3/2008

Date of Imposition of Judgment

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

9/4/2008

Date

DEFENDANT: PAUL CARD GREAVES  
CASE NUMBER: DUTX206CR000169-003

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

none.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: PAUL CARD GREAVES  
CASE NUMBER: DUTX206CR000169-003

## PROBATION

The defendant is hereby sentenced to probation for a term of :

twelve months, unsupervised.

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

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- 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.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the 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 the instructions of the probation officer;
- 4) the defendant shall support his or her dependents 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 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; and
- 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.



DEFENDANT: PAUL CARD GREAVES  
CASE NUMBER: DUTX206CR000169-003

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 600.00 due immediately, balance due
- not later than \_\_\_\_\_, or  
 in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

PAGES 7-9 ARE FILED  
UNDER SEPARATE COVER

THEY ARE THE SEALED  
STATEMENT OF REASONS

CASE 2:06cr00169-003 DB

USA v. Paul Card Greaves

UNITED STATES DISTRICT COURT

Central

U.S. DISTRICT COURT

Utah

UNITED STATES OF AMERICA

v.

2008 SEP -4 P 2:38

AMENDED JUDGMENT IN A CRIMINAL CASE

Daniel Chhoun

DISTRICT OF UTAH

Case Number:

DUTX 2:06CR00460-001 TC

USM Number:

13725-081

Date of Original Judgment: 06/03/2008  
(Or Date of Last Amended Judgment)

DEPUTY CLERK

Todd Utzinger

Defendant's Attorney

Reason for Amendment:

- Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
- Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
- Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
- Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- Direct Motion to District Court Pursuant  28 U.S.C. § 2255 or  18 U.S.C. § 3559(c)(7)
- Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

pleaded guilty to count(s) 1sss of the Superseding Felony Information

pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 1959(a)(3)	Violent Crime in Aid of Racketeering, Assault with a Dangerous Weapon		1 sss

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) 1, 1s, 1ss  is  are dismissed on the motion of the United States.

It is ordered that the defendant must 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. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/28/2008 \*

Date of Imposition of Judgment

Tena Campbell  
Signature of Judge

Tena Campbell Chief, United States District Court Judge  
Name and Title of Judge

9-4-2008  
Date

DEFENDANT: Daniel Chhoun  
CASE NUMBER: 2:06CR00460-001 TC

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term

**63 Months**

The court makes the following recommendations to the Bureau of Prisons:  
The Court recommends placement with his Bryan Chhoun at the Atwater, California or Lompac, California facilities with any educational/vocational programs available and the RDAP Treatment Program.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_ with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Daniel Chhoun  
CASE NUMBER: 2:06CR00460-001 TC

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of

**36 Months**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

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

The defendant shall not unlawfully possess a controlled substance. 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 determined by the court.

- 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.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the 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 the instructions of the probation officer;
- 4) the defendant shall support his or her dependents 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 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; and
- 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, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

DEFENDANT: Daniel Chhoun  
CASE NUMBER: 2:06CR00460-001 TC

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall maintain full-time verifiable employment or participated in academic or vocational development throughout the term of supervision as deemed appropriate by the USPO.
2. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defray the costs of collection and testing. If testing reveals illegal drug use, or excessive and/or illegal consumption of alcohol, such as alcohol-related criminal or traffic offenses, the defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by the USPO.
3. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
4. The defendant shall not have contact with known gang members, with the exception of his brother, Bryan Chhoun, with the approval of the USPO, or be in possession of known gang paraphernalia.

DEFENDANT: Daniel Chhoun  
CASE NUMBER: 2:06CR00460-001 TC

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00	\$	\$

- The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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<b>TOTALS</b>	\$ _____	\$ _____
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- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, 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 for  fine  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Daniel Chhoun  
CASE NUMBER: 2:06CR00460-001 TC

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A  Lump sum payment of \$ 100.00 due immediately, balance due
- not later than \_\_\_\_\_, or  
 in accordance with  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT

FILED  
U.S. DISTRICT COURT  
Utah

Central

District of

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Raul Villasenor-Gutierrez

Case Number: DUTX 2:07-cr-000091-001

USM Number: 1422-081

Benjamin A. Hamilton

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) I-Indictment
- pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21USC§841(a)(1)	Possession of Methamphetamine with Intent to Distribute		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_\_\_
- Count(s) \_\_\_\_\_  is  are dismissed on the motion of the United States.

It is ordered that the defendant must 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. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/3/2008

Date of Imposition of Judgment

*Dee Benson*

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

9/4/2008

Date

DEFENDANT: Raul Villasenor-Gutierrez  
CASE NUMBER: DUTX 2:07-cr-000091-001

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

42 months.

The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that the defendant participates and completes the 500 hour drug re-hab program. The Court also recommends a facility as close to Compton, CA., for family visitations.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Raul Villasenor-Gutierrez  
CASE NUMBER: DUTX 2:07-cr-000091-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

60 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

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

The defendant shall not unlawfully possess a controlled substance. 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 determined by the court.

- 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.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the 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 the instructions of the probation officer;
- 4) the defendant shall support his or her dependents 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 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; and
- 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.

DEFENDANT: Raul Villasenor-Gutierrez  
CASE NUMBER: DUTX 2:07-cr-000091-001

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant will submit to drug/alcohol testing as directed by the probation office and pay a one-time \$115.00 fee to partially defray the costs of collection and testing.
2. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the United States Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
3. The defendant shall not be a member of a gang or associate with any known gang member(s).
4. The defendant shall not possess materials which give evidence of gang involvement or activity.



DEFENDANT: Raul Villasenor-Gutierrez  
CASE NUMBER: DUTX 2:07-cr-000091-001

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 100.00 due immediately, balance due
- not later than \_\_\_\_\_, or  
 in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

PAGES 7-10 ARE FILED  
UNDER SEPARATE COVER

THEY ARE THE SEALED  
STATEMENT OF REASONS

CASE 2:07cr00091-001DB

USA v. Raul Villaseñor-  
Gutierrez

FILED  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT 2008 SEP -5 A 9:03

DISTRICT OF UTAH, CENTRAL DIVISION DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS SAY TANG,

Defendant.

2:07CR00161 TS

BY: DEPUTY CLERK

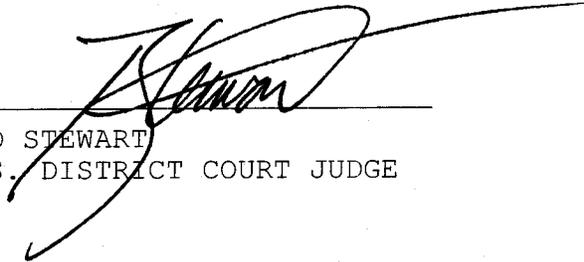
~~PROPOSED~~  
ORDER OF  
RECIPROCAL DISCOVERY

Judge Ted Stewart

The matter having come before the Court hereby orders the defendant, Thomas Say Tang, to provide reciprocal discovery to the United States pursuant to Fed. R. Crim. P. 16(b)(1)(A) and pursuant to paragraph six of the government's Statements of Discovery Policy and Notifications of Compliance that have been filed with the court.

DATED this 4<sup>th</sup> day of September, 2008.

BY THE COURT:

  
TED STEWART  
U.S. DISTRICT COURT JUDGE

# UNITED STATES DISTRICT COURT

Central

District of

Utah

UNITED STATES OF AMERICA

U.S. DISTRICT COURT AMENDED JUDGMENT IN A CRIMINAL CASE

V.

Rodney Liti

2008 SEP -4

Case Number: DUTX 2:07CR00239-001 TC

DUTX 2:07CR00239-001 TC

USM Number: 13723-081

13723-081

Date of Original Judgment: 7/1/2008  
(Or Date of Last Amended Judgment)

DISTRICT OF UTAH

Kevin Sullivan

Defendant's Attorney

BY: DEPUTY CLERK

### Reason for Amendment:

- Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
- Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)
- Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
- Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
- Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- Direct Motion to District Court Pursuant  28 U.S.C. § 2255 or  18 U.S.C. § 3559(c)(7)
- Modification of Restitution Order (18 U.S.C. § 3664)

### THE DEFENDANT:

pleaded guilty to count(s) One of the Superseding Felony Information

pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 1959(a)(3)	Violent Crime in Aid of Racketeering, Assault with a Dangerous Weapon		1s

The defendant is sentenced as provided in pages 2 \_\_\_\_\_ of page 6 \_\_\_\_\_ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) 1 of the Indictment  is  are dismissed on the motion of the United States.

It is ordered that the defendant must 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. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

7/1/2008

Date of Imposition of Judgment

*Tena Campbell*

Signature of Judge

Tena Campbell

Chief, United States District Court Judge

Name and Title of Judge

9-4-2008

Date

DEFENDANT: Rodney Liti  
CASE NUMBER: 2:07CR00239-001 TC

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term

**\* 8 Months, with credit for time served. Sentence shall run concurrently with previously imposed sentence in 2:06CR00487 PGC.**

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_ with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Rodney Liti  
CASE NUMBER: 2:07CR00239-001 TC

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of

**36 Months**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

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

The defendant shall not unlawfully possess a controlled substance. 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 determined by the court.

- 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.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the 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 the instructions of the probation officer;
- 4) the defendant shall support his or her dependents 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 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; and
- 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, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the

DEFENDANT: Rodney Liti  
CASE NUMBER: 2:07CR00239-001 TC

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defray the costs of collection and testing. If testing reveals illegal drug use or if the probation officer determines that an assessment is necessary, the defendant shall participate in a substance abuse evaluation and treatment, as recommended under a co-payment plan, as directed by the USPO.
2. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
3. The defendant shall not be a member of a gang nor associate with any known gang member.
4. The defendant shall not possess material which give evidence of gang involvement or activity.

DEFENDANT: Rodney Liti  
CASE NUMBER: 2:07CR239-001 TC

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>		<u>Fine</u>		<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00		\$		\$

- The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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<b>TOTALS</b>	\$ _____	\$ _____
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- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, 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 for  fine  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Rodney Liti  
CASE NUMBER: 2:07CR00239-0001 TC

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A  Lump sum payment of \$ 100.00 due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance with  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT

FILED  
U.S. DISTRICT COURT  
UTAH

CENTRAL DIVISION

District of \_\_\_\_\_

UNITED STATES OF AMERICA

V.

ADRIAN LOPEZ-HIGUERA

JUDGMENT IN A CRIMINAL CASE A 9:03

**AMENDED**

Case Number: DUTX207CR000441-004

USM Number: 14650-081

Jeremy Delicino  
Defendant's Attorney

BY: DEPUTY CLERK

**THE DEFENDANT:**

pleaded guilty to count(s) 2 of the Indictment

pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 U.S.C. § 841(a)(1)	Possession of 1 Kilogram or More of Heroin with Intent to Distribute		2

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) 3 and 4  is  are dismissed on the motion of the United States.

It is ordered that the defendant must 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. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

2/28/2008

Date of Imposition of Judgment

Signature of Judge

The Honorable Ted Stewart

U. S. District Judge

Name of Judge

Title of Judge

9/4/2008

Date

DEFENDANT: ADRIAN LOPEZ-HIGUERA  
CASE NUMBER: DUTX207CR000441-004

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

51 months

The court makes the following recommendations to the Bureau of Prisons:

Incarceration in a Southern California facility

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ADRIAN LOPEZ-HIGUERA  
CASE NUMBER: DUTX207CR000441-004

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

60 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

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

The defendant shall not unlawfully possess a controlled substance. 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 determined by the court.

- 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.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the 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 the instructions of the probation officer;
- 4) the defendant shall support his or her dependents 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 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; and
- 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.

DEFENDANT: ADRIAN LOPEZ-HIGUERA  
CASE NUMBER: DUTX207CR000441-004

### **ADDITIONAL SUPERVISED RELEASE TERMS**

The defendant shall not illegally reenter the United States. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of arrival in the United States.



DEFENDANT: ADRIAN LOPEZ-HIGUERA  
CASE NUMBER: DUTX207CR000441-004

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 100.00 due immediately, balance due
- not later than \_\_\_\_\_, or
- in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

The Statement of Reasons attached to the  
original Judgment and Commitment  
has not changed

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Attorneys for the United States of America  
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Telephone: (801) 524-5682  
Facsimile: (801) 524-4475

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA, :  
 :  
Plaintiff, : 2:07 CR 874 TC  
 :  
vs. : STIPULATED ORDER REGARDING  
 : COMPUTER DISCOVERY AND  
THOMAS COURTNEY, : GRANTING MOTIONS IN PART  
 : Hon. David Nuffer  
 : Hon. Tena Campbell  
Defendant. :  
 :  
 :

---

Based upon matters discussed at the hearing on August 21, 2008, the Court GRANTS IN PART the motions (docket no. [50](#) and docket no. [53](#)) filed by the respective parties, and sets the following discovery parameters:

1. The Court finds that by providing the three hard drives currently available in Virginia on this case, and the fourth hard drive in Encase format, along with the FTK logs and custodial description described next, the government has

sufficiently provided ample opportunity for discovery in this matter. The government will include the FTK Imager logs related to the creation of these hard drives as well as an explanation of the chain of custody related to the production of these images and the procedures use to produce these images. The government is not required to provide the entire FTK log related to these drives.

2. The procedures for access to this material will be as follows:

(A) The defense will view these images at the FBI CART Lab Virginia, located at 9325 Discovery Blvd., Manassas, Virginia.

(B) The Virginia lab will make a land line telephone line available to the defense examiner for his use.

(C) The lab will ensure that the examination room used by the defense examiner is locked when he leaves and the key will be provided to the FBI Security Office at the Virginia lab. The FBI will obtain the key from the Security Office when the defense examiner arrives and will return the key, with the defense examiner to the Security Office at the facility when the examiner leaves. The individual agents working with the defense examiner will not have access to this key other than to allow the defense examiner in to or out of the examination room.

(D) The defense examiner will be allowed to burn information to either a thumb drive or disks, though the lab will have to review the materials briefly to ensure they do not contain child pornography. With this process the defense

examiner should be able to return to his lab and print all non-contraband materials. For child pornography materials, if needed for trial, the Virginia CART Lab will make arrangements to have those versions of the defense reports transported via FBI channels to the IWRCFL in Salt Lake City, Utah.

(E) The defense examiner will have access to the lab regularly between 7 a.m. and 6 p.m. Monday through Friday. The lab will make every effort to accommodate hours outside of these parameters on weekends and after hours. The lab and the defense examiner shall work together to try to meet the needs of the defense examiner, the lab, and to address the Court's concerns that this evaluation be completed in the most expeditious manner possible. The defense examiner should work directly with the lab to attempt to schedule extended hours if possible.

(F) The defense examiner shall be allowed to have undisturbed processing hours, even though the examiner may not be located at the laboratory. He also shall be provided with an uninterruptable power supply providing backup power for a reasonable period of time. Lastly, should the defense examiner choose to use a government computer for his work, the government will set up password protection on these systems to ensure that only the defense examiner has access to the computer during the time of examination. In addition to the forensic tools of FTK software Suite, and Microsoft Office Suite, if defense examiner needs to use additional software, he may bring his version in and install this software on the

government computer(s).

(G) The lab will provide internet access either via an aircard to be used on the defense examiner's computer, or via the FBI systems. However, to prevent the dissemination of child pornography the computer with internet access cannot be the same computer used for the forensic examination work.

The Court directs the parties to make a good faith effort to allow for evaluation of the data in this case at the Virginia lab in the most expeditious manner possible.

So Ordered this 5th day of September, 2008.



David Nuffer  
United States Magistrate Judge

FILED  
U.S. DISTRICT COURT

2008 SEP -5 A 9:11b

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

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Attorneys for Defendants, Counterclaimants,  
and Third-Party Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

ANALEE RUPP, and BLAIR RUPP,  
Plaintiffs and Counter-  
Respondents,

vs.

TRANSCONTINENTAL INSURANCE  
COMPANY, a corporation; AMERICAN  
CASUALTY COMPANY OF READING,  
PENNSYLVANIA, a corporation;  
CONTINENTAL CASUALTY  
COMPANY, a corporation; and CNA  
INSURANCE COMPANY LIMITED, a  
corporation,

Defendants and  
Counterclaimants.

AMERICAN CASUALTY COMPANY OF  
READING, PENNSYLVANIA, a  
corporation; and CONTINENTAL  
CASUALTY COMPANY, a corporation,  
Third-Party Plaintiffs,

v.

GRANITE CONSTRUCTION  
INCORPORATED; and WESTCHESTER  
FIRE INSURANCE COMPANY,  
Third-Party Defendants.

**ORDER GRANTING  
DEFENDANT INSURERS' EX PARTE  
MOTION FOR LEAVE TO FILE  
OVERLENGTH REPLY MEMORANDUM  
IN SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT**

Civil No.: 2:07cv333

Honorable Tena Campbell

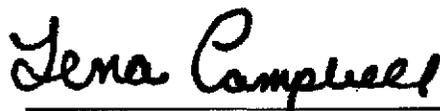
Magistrate Paul M. Warner

Having reviewed Defendant Insurers' Ex Parte Motion for Leave to File Overlength Reply Memorandum in Support of their Motion for Summary Judgment, and for good cause appearing,

IT IS HEREBY ORDERED that the Insurers' ex parte request for leave to file the above-mentioned overlength brief is GRANTED.

DATED this 4<sup>TH</sup> day of September, 2008.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

---

Honorable Tena Campbell  
United States District Court Judge

FILED  
U.S. DISTRICT COURT

2008 SEP -3 P 3:59

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

Roger H. Bullock, #0485  
Byron G. Martin, #8824  
**STRONG & HANNI**  
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3 Triad Center, Suite 500  
Salt Lake City, Utah 84180  
Telephone: (801) 532-7080  
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---

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF UTAH, CENTRAL DIVISION**

---

AMERICAN FAMILY HOME INSURANCE )  
COMPANY, )

Plaintiff, )

v. )

AUDREY MILLER; TROY TIPTON and )  
AMY TIPTON, individually and as the legal )  
representatives of their minor daughters BYT )  
and BET, )

Defendants. )

**DEFAULT JUDGMENT FOR  
DECLARATORY RELIEF**

Case No. 2:07-cv-852 - DB

---

The Second Motion of Plaintiff American Family Home Insurance Company (“American Family”) for Entry of Default Judgment Against Defendant Audrey Miller (“Miller”) having come duly before the Court, Hon. Dee Benson, and the Court having considered the motion, supporting memorandum, and being fully advised in the premises and good cause therefore appearing, the court finds:

1. American Family filed a Complaint for Declaratory Relief (“Complaint”) against Miller and the Tipton Defendants on November 2, 2007.
2. American Family served Miller with a copy of the Complaint and a 20-day

Summons on November 14, 2007.

3. Miller did not answer or otherwise respond to the Complaint and the time for Miller to do so expired.
4. American Family filed a Motion for Entry of Default as to Audrey Miller on December 19, 2007.
5. No objections were made and the clerk entered the default of Miller on December 26, 2007.
6. By stipulation between American Family and the Tipton Defendants, who are represented by attorney James R. Hasenyager, the default was set aside on January 22, 2008.
7. American Family and the Tipton Defendants litigated the declaratory judgment issues before this court but Miller did not appear nor participate therein.
8. On July 31, 2008, motions for summary judgment were heard and decided as between American Family and the Tipton Defendants.
9. Miller has still not answered or otherwise responded to the Complaint and the time for Miller to do so has expired.
10. On August 6, 2008, the clerk re-entered default as to Miller.
11. No hearing is necessary to enter Default Judgment against Miller as there are no damages to be determined.

Based on the foregoing findings of fact and good cause appearing,

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

The motion of Plaintiff American Family Home Insurance Company is granted.

Plaintiff American Family Home Insurance Company is awarded Default Judgment and declaratory judgment against Audrey Miller as follows: Manufactured Homeowners Policy No. 070G040317349 issued by American Family Home Insurance Company does not provide coverage to Miller for the August 21, 2007 state court action brought against her by the Tipton Defendants in Second District Court, Davis County, Civil No. 070700467, and American Family has no obligation to defend and indemnify Audrey Miller or to pay damages to the Tipton Defendants in that action.

DATED this 3<sup>rd</sup> day of September, 2008.

BY THE COURT:



---

Dee Benson  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of August 2008, a true and correct copy of the foregoing **DEFAULT JUDGMENT FOR DECLARATORY RELIEF** was served by the method indicated below, to the following:

Troy and Amy Tipton,  
Individually and for minor  
children BYT and BET,  
C/O James R. Hasenyager  
HASENYAGER & SUMMERILL  
1004 24<sup>th</sup> Street  
Ogden, Utah 84401

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Audrey Miller  
189 South Main Street, Trailer #81  
Layton, UT 84041-03702

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

-----

\_\_\_\_\_

FILED  
U.S. DISTRICT COURT

ANDREW M. MORSE, Atty. Reg. No. 4498  
Snow, Christensen & Martineau  
10 Exchange Place, 11<sup>th</sup> Floor  
Post Office 45000  
Salt Lake City, Utah 84145  
Telephone: (801) 521-9000

2008 SEP -5 A 9:46

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

**RECEIVED**

SEP 03 2008

OFFICE OF  
JUDGE TENA CAMPBELL

MICHAEL J. OGBORN, Atty. Reg. No. 20932  
MICHAEL J. KNAUF, Atty. Reg. No. 32032  
Ogborn, Summerlin & Ogborn, LLC  
1120 Lincoln Street, Suite 1100  
Denver, Colorado 80203  
Telephone: (303) 861-7472  
Facsimile: (303) 831-0551  
Attorney for Defendant  
Global Communications Group, Inc.

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH CENTRAL DIVISION

---

GWB, Inc.,

Plaintiff,

v.

GLOBAL CROSSING TELECOMMUNICATIONS,  
INC. and GLOBAL COMMUNICATIONS GROUP,  
INC. and John Does 1-10

Defendants.

**ORDER**

Case No.: 2:07-cv-0998

Judge: Tena Campbell

---

Pursuant to Defendant's Stipulated Motion to Vacate Hearing, it is ORDERED that the hearing scheduled for September 11, 2008, is hereby vacated.

DATED this 4 day of Sept, 2008.

Jerry Campbell  
U. S. District Court Judge

---

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

---

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID JACOB SCHROEDER,

Defendant.

**ORDER CONTINUING JURY TRIAL**

**Case No. 2:08-cr-00294-DAK**

**Judge Dale A. Kimball**

---

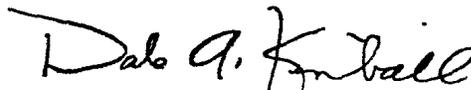
Upon the Motion of the Defendant and the United States of America, and good cause appearing therefore, it is hereby

ORDERED that the jury trial in this matter currently set for September 11, 2008 be continued to a date to be determined by the Court. It is further

ORDERED, pursuant to 18 U.S.C. § 316(h)(1)(F) and (8)(A) and (B)(ii), that all time between the filing of the Motion and the new trial date shall be excluded from computation of time under the Speedy Trial Act.

DATED this 5<sup>th</sup> day of September, 2008.

BY THE COURT:



---

HON. DALE A. KIMBALL  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

FILED  
U.S. DISTRICT COURT

CENTRAL

District of

UTAH

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

OSCAR GODOY-FERNANDEZ

Case Number: DUTX208CR000416-001

USM Number: 15532-081

Benjamin Hamilton

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1 of the Indictment

pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 U.S.C. § 1326	Reentry of a Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) \_\_\_\_\_  is  are dismissed on the motion of the United States.

It is ordered that the defendant must 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. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/3/2008

Date of Imposition of Judgment

*Dee Benson*

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

9/4/2008

Date

DEFENDANT: OSCAR GODOY-FERNANDEZ  
CASE NUMBER: DUTX208CR000416-001

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

eighteen months.

The court makes the following recommendations to the Bureau of Prisons:

that defendant serve in Arizona to facilitate family visitation.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: OSCAR GODOY-FERNANDEZ

CASE NUMBER: DUTX208CR000416-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

thirty-six months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

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

The defendant shall not unlawfully possess a controlled substance. 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 determined by the court.

- 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.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the 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 the instructions of the probation officer;
- 4) the defendant shall support his or her dependents 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 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; and
- 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.

DEFENDANT: OSCAR GODOY-FERNANDEZ  
CASE NUMBER: DUTX208CR000416-001

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not illegally reenter the United States. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of arrival in the United States.



DEFENDANT: OSCAR GODOY-FERNANDEZ  
CASE NUMBER: DUTX208CR000416-001

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A  Lump sum payment of \$ 100.00 due immediately, balance due  
 not later than \_\_\_\_\_, or  
 in accordance  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

PAGES 7-10 ARE FILED  
UNDER SEPARATE COVER

THEY ARE THE SEALED  
STATEMENT OF REASONS

CASE 2:08cr00416-001 DB

USA v. Oscar Godoy-  
Fernandez

**United States District Court  
for the District of Utah**

**Criminal Pretrial Instructions**

The prosecution has an open file policy.

Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

Counsel must have all exhibits premarked by the clerk for the district judge before trial.

If negotiations are not completed for a plea by the plea deadline, the case will be tried.

In cases assigned to Judge Cassell, counsel are directed to meet and confer about the possibility of a plea, and before the deadline report to chambers whether the matter will proceed to trial.

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH -- CENTRAL DIVISION

---

MARCUS VEGA,

Plaintiff,

**ORDER TO SHOW CAUSE**

vs.

CITIBANK (SOUTH DAKOTA) N.A.,

Civil No. 2:08-cv-00338 DAK

Defendant.

---

Plaintiff is hereby ordered to show cause why this case should not be dismissed without prejudice as service of process has not been completed within 120 days, pursuant to F.R.C.P. 4(m). The file indicates no activity since the Complaint was filed on May 2, 2008. Plaintiff is directed to respond in writing within 15 days from the date of this order and inform the Court of the status of the case and intentions to proceed. Failure to do so will result in dismissal of the case.

Dated this 5th day of September, 2008.



Dale A. Kimball  
United States District Judge

Kristine M. Larsen (9228)  
RAY QUINNEY & NEBEKER P.C.  
36 South State Street, Suite 1400  
P.O. Box 45385  
Salt Lake City, Utah 84145-0385  
Telephone: (801) 532-1500  
Attorneys for Plaintiff  
State Farm Fire and Casualty Company

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

<p>STATE FARM FIRE AND CASUALTY COMPANY</p> <p>Plaintiff, v.</p> <p>SCOTT WHITE, INC., a Utah Corporation,  Defendant.</p>	<p>ORDER GRANTING WITHDRAWAL OF COUNSEL AND REMOVAL FROM SERVICE LIST</p> <p>Civil No. 2:08cv00466</p> <p>Judge: Dale A. Kimball</p>
--	--

The Court having reviewed the Motion to Withdraw as Counsel for State Farm Fire and Casualty company filed by Ray Quinney & Nebeker P.C., former counsel to Plaintiff State Farm Fire and Casualty Company and being otherwise fully informed, states its approval of the withdrawal and ORDERS that Ray Quinney & Nebeker P.C. is hereby deemed to have withdrawn from this case.

DATED this 5<sup>th</sup> day of September, 2008.

BY THE COURT:



Hon. Dale Kimball  
United States District Court Judge

Randy L. Dryer (0924)  
SUSAN E. BAIRD (10653)  
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*Attorneys for Plaintiffs -- Brad Carroll and Peter Sham*

**UNITED STATES DISTRICT COURT  
District of Utah, Central Division**

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BRAD CARROLL and PETER SHAM,

Plaintiffs,

vs.

KEN LUDWIG,

Defendant.

**ORDER FOR PRO HAC VICE ADMISSION**

Case No. 2:08cv00491

Judge D. Kimball

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It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of **Bryan M. Tallevi** in the United States District Court, District of Utah in the subject case is GRANTED.

Dated this 5<sup>th</sup> day of September, 2008.

  
U.S. District Judge

Randy L. Dryer (0924)  
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**UNITED STATES DISTRICT COURT  
District of Utah, Central Division**

---

BRAD CARROLL and PETER SHAM,

Plaintiffs,

vs.

KEN LUDWIG,

Defendant.

**ORDER FOR PRO HAC VICE ADMISSION**

Case No. 2:08cv00491

Judge D. Kimball

---

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of **Edward J. Davis** in the United States District Court, District of Utah in the subject case is GRANTED.

Dated this 5<sup>th</sup> day of September, 2008.

  
U.S. District Judge

Roy B. Moore; [rmoore@rbmoorelaw.com](mailto:rmoore@rbmoorelaw.com); (2308)  
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Telephone: (801) 269-9299

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IN THE UNITED STATES DISTRICT COURT,  
DISTRICT OF UTAH, CENTRAL DIVISION

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MICHAEL LANDES,

Plaintiff,

vs.

THE LODGE AT SNOWBIRD OWNERS ASSOCIATION, INC., a Utah nonprofit corporation, WAYNE G. PETTY, as Trustee under the lien foreclosure on behalf of the above first named defendant, BOB BONAR, an individual, EXCHANGE HOLDINGS CORPORATION VII, a Utah corporation, ED DAVIES, an individual, ROGER P. SHOCKLEY, an individual, GIPPSLAND BASIN COMPANY LLC, a Florida limited liability company, BASS STRAIT COMPANY LLC, a Florida limited liability company, CARRINGTON MORTGAGE SERVICES, L.L.C., a Delaware limited liability company, and JOHN DOES 1 through 10,

Defendants.

**ORDER OF WITHDRAWAL OF  
COUNSEL**

Case No. 2:08cv00594

Honorable Judge Dale A. Kimball

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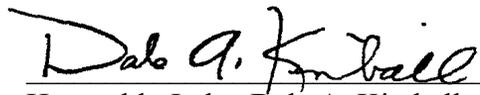
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Roy B. Moore, P.C. & Associates' Motion for Withdrawal of Counsel having been duly submitted and considered and good cause appearing therefore,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff's counsel's motion to withdraw from representing Plaintiff herein is hereby granted.

DATED this 5<sup>th</sup> day of September, 2008.

UNITED STATES DISTRICT COURT

  
\_\_\_\_\_  
Honorable Judge Dale A. Kimball

FILED  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

2008 SEP -5 A 9:39

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

IRVING KARL BIGELOW,

Plaintiff,

vs.

SOCIAL SECURITY ADMINISTRATION  
AND STATE OF UTAH, et al.,

Defendants.

ORDER OF REFERENCE

Civil No. 2:08-CV-626

IT IS ORDERED that, as authorized by 28 U.S.C. § 636(b)(1)(B) and the rules of this Court, the above entitled case is referred to Magistrate Judge David Nuffer. The magistrate judge is directed to manage the case, receive all motions, hear oral arguments, conduct evidentiary hearings as deemed appropriate, and to submit to the undersigned judge a report and recommendation for the proper resolution of dispositive matters presented.

DATED this 4<sup>th</sup> day of September, 2008.

BY THE COURT:



DEE BENSON  
United States District Judge

FILED  
U.S. DISTRICT COURT  
2008 SEP -5 A 9:46

DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

BY: DEPUTY CLERK

<p>QUIXTAR INC.,  Plaintiff,  vs.  ADVANTAGE MARKETING, INC., et al.  Defendants.</p>	<p>ORDER OF REFERENCE  Civil No. 2:08 MC 656 TC</p>
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IT IS ORDERED that, as authorized by 28 U.S.C. § 636(b)(1)(A) and the rules of this court, the above entitled case is referred to United States Magistrate Judge Brooke C. Wells. Judge Wells is directed to hear and determine any nondispositive matters pending before the court.

DATED this 4th day of September, 2008.

BY THE COURT:



TENA CAMPBELL  
Chief Judge

