

COURTROOM MINUTES OF CRIMINAL PROCEEDINGS
NORFOLK/NEWPORT NEWS DIVISION

SENTENCING

Set: 10:00am
Started: 10:00am
Ended: 11:00am

Date: 12/3/12
Judge: Robert D. Courman, US DJ
Court Reporter: Heidi Jefferson, OCR
U.S. Attorney: Amy Cross, SANS
Defense Counsel: John Gardner, CJA
CRD/Law Clerk: Lori M Baxter
Probation Officer: Leah Goodwin

Case No. 2:12CR70 Defendant: Justin Steven Acroggins
aka Kurt McKigger aka Wood

- Came on for disposition.
- Govt/Deft motion for _____ - Argued.
 _____ Granted. Denied.
- Presentence report reviewed. Objections heard and rulings made.
- Evidence presented. (Witnesses and exhibits listed on last page)
- Arguments heard.
- Statement of deft. heard. (~~Sworn~~ / Unsworn)
- Court finds deft. GUILTY as to Counts _____ after a plea before a USMJ.

IMPRISONMENT

SENTENCE: Count(s) 1: The deft. shall be committed to the custody of B.O.P. to be imprisoned for a term of 108 months. The term consists of _____ months on count _____ and a term of _____ months on count _____, all to be served concurrently/consecutively.

- The deft. is remanded to the custody of the U.S. Marshal.
- The deft. shall receive credit for time served.
- The deft. shall surrender for service of the sentence at the institution designated by the Bureau of Prisons/U.S. Marshal, before _____ on _____, as notified by the U.S. Marshal.

PROBATION

The deft. shall be placed on probation for a term of _____ years.

SUPERVISED RELEASE

Upon release from imprisonment, the deft. shall be on supervised release for a term of 3 years. This term consists of _____ years on Count _____ and _____ years on Count _____, all to run concurrently.

As reflected in the presentence report, the deft. presents a low risk of future substance abuse and therefore, the court hereby suspends the mandatory condition for substance abuse testing as defined by 18 USC 3563 (a)(5). However, this does not preclude the U.S. Probation Office from administering drug tests as they deem appropriate.

✓ The deft. shall participate in a program approved by the Probation Office for substance abuse, which program may include residential treatment and testing to determine whether the deft. has reverted to the use of drugs or alcohol, with partial cost to be paid by the deft., all as directed by the probation officer.

✓ The deft. shall participate in a mental health ^{treatment} program, at the direction and discretion of the probation officer. *pa by deft as directed by PC*

The deft. shall waive any right of confidentiality s to any mental health treatment received in order to allow the release of information to the probation officer or treatment providers

✓ The deft. shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

✓ The deft. shall provide the probation officer access to any requested financial information.

The defendant shall apply monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.

The defendant shall participate in the Treasury Offset Program.

✓ The defendant shall pay for the support of his/her children in the amount ordered by any social service agency or court of competent jurisdiction. In the absence of such order, payments are to be made on a schedule to be determined by the Court at the inception of supervision, ^{in hereafter} based on the defendant's financial circumstances. *as it then exists*

The deft. shall be on Home Detention, which shall include electronic monitoring at the deft's expense, for a period of _____ consecutive days. During this time, he/she shall remain at his/her place of residence except for employment and other activities approved in advance by the probation officer.

He shall maintain a telephone at his place of residence without party lines, telephone answering machines, a modem, "call forwarding," "caller ID," "call waiting," "portable cordless telephones or any other devices or services that may interfere with the proper functioning of the electronic monitoring equipment for the above period. He shall wear an electronic monitoring device, follow electronic monitoring procedures, and pay the cost of the electronic monitoring, all as directed by the probation officer.

✓ The defendant shall obtain a General Equivalency Diploma (GED) ^{an additional} or a vocational skill ~~if not employed full-time and if not previously obtained~~ *during his supervision. if the deft is not employed fulltime and if he has not previously obtained a GED or a college diploma.*

Upon completion of the term in imprisonment, the defendant is to be surrendered to a duly-authorized immigration official of the Department of Homeland Security Bureau of Immigration and Customs Enforcement for deportation in accordance with established procedures provided by the Immigration and Naturalization Act, 8 USC Section 1101, et seq.

If ordered deported, the defendant shall remain outside the United States.

FINANCIAL PENALTIES

Court finds deft. is unable to pay fine.

The deft. shall pay a fine of \$_____. Interest waived? yes / no

The deft. shall make restitution in the amount of \$ 0
_____ Interest waived? yes / no

Restitution is joint and several with _____

The deft. shall pay a special assessment of \$ 100.00 as to each count.

The TOTAL SPECIAL ASSESSMENT due is \$100.00

SCHEDULE OF PAYMENTS

The Special Assessment/~~Restitution/Fine~~ shall be due in full immediately.

Any balance remaining unpaid on the special assessment/~~restitution/fine~~ at the inception of supervision shall be paid by the defendant in installments of not less than \$ 25.00 per month, until paid in full. *if not sooner paid* Said payments shall commence 60 days after defendant's supervision begins. *if it is not sooner paid.*

At the time supervision commences, the probation officer shall take into consideration the defendant's economic status as it pertains to his/her ability to pay the special assessment/~~fine/restitution~~ ordered and shall notify the court of any changes that may be needed to be made to the payment schedule.

Any special assessment may be subject to penalties for default and delinquency.

Nothing in the court's order shall prohibit the collection of any judgment or fine by the United States.

Since this judgment imposes a period of imprisonment, payment of criminal monetary penalties, including the special assessment, shall be due during the period of imprisonment. All criminal monetary penalty payments, including the special assessment, are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

APPEAL RIGHTS/DISMISSAL OF COUNTS/BOP RECOMMENDATIONS

The deft. notified of right of appeal.

Court noted that deft. waived right of appeal in plea agreement.

On motion of govt. the remaining counts of the indictment to which the deft. has not plead guilty to are hereby dismissed.

The deft. is continued on present bond & cautioned re: bail jumping.

The Court recommends that the defendant be incarcerated at minimum
Security institution
as close as possible to his family in Indiana

The Court recommends/directs that while incarcerated:
 The defendant shall participate in a substance abuse *and mental health* program.
 The defendant shall develop a skill or trade.
 The defendant shall obtain his/her GED.

Comments/Witnesses/Exhibits