

UNITED STATES DISTRICT COURT

Southern District of Ohio

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

vs.

(For Offenses Committed On or After November 1, 1987)

JAMES E. MILLER

Case Number CR-2-05-089

Alison Clark, Esq.
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count One of the Indictment.
- pleaded nolo contendere to counts _____ of the Information /Indictment.
- was found guilty on counts _____ of the Information/Indictment after a plea of not guilty.

Title & Section
29 U.S.C. § 501(c)

Nature of Offense
Embezzlement of Labor Union Funds

<u>Date Offense Concluded</u>	<u>Count Numbers</u>
04/30/03	1

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

The defendant has been found not guilty on counts _____ of the Information/Indictment, and is discharged as to such counts.

Count(s) _____ of the Indictment/Information is/are dismissed pursuant to Plea Agreement.

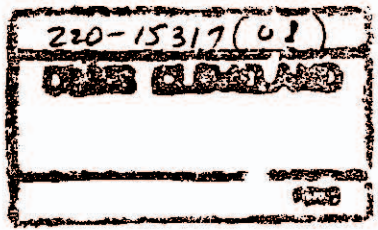
IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

January 19, 2006
Date of Imposition of Sentence


Signature of Judicial Officer

Edmund A. Sargus, Jr.
United States District Judge

2-16-2006
Date



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PROBATION

The defendant is hereby placed on **PROBATION** for a term of **THREE (3) YEARS** which includes **14 DAYS** in Jail as condition of his probation.

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

The defendant shall not unlawfully possess a controlled substance.

For offenses committed on or after September 13, 1994:

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

___ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse.

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

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

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall comply with the following special conditions : 1) The defendant shall participate in the Home Confinement program for a period of 8 months with Electronic Monitoring; 2) the defendant shall provide all requested financial information to the probation officer, as directed; 3) the defendant shall participate in alcohol counseling at the discretion of his supervising probation officer; and 4) The defendant shall perform 100 hours of Community Service for the first 6 months of his Probation.

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 truthful 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 ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B(3/95) Sheet 5, Part A - Criminal Monetary Penalties

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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 100.00	\$ -0-	\$7,162.81

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

FINE

The above fine includes costs of incarceration and/or supervision in the amount of \$ _____.
 The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g).

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

- The interest requirement is waived.
- The interest requirement is modified as follows:

RESTITUTION

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

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

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

<u>Name of Payees</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
American Flint Glass Workers Union	\$7,162.81	\$7,162.81	
Totals:	\$7,162.81	\$7,162.81	

* 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.

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SCHEDULE OF PAYMENTS

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

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

- A in full immediately; or
- B \$ _____ immediately, balance due (in accordance with C,D, or E); or
- C not later than _____; or
- D In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due as appropriate; or
- E in _____ (e.g. equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ years to commence _____ days after the date of this judgment.

The National Fine Center will credit the defendant for all payments previously made toward any criminal monetary penalties imposed.

Special instruction regarding the payment of criminal monetary penalties:

- Joint and Several
- 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:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States Courts National Fine Center, Administrative Office of the United States courts, Washington, DC 20544, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. If the National Fine Center is not operating in this district, all criminal monetary penalty payments are to be made as directed by the court, the probation officer, or the United States attorney.