

UNITED STATES DISTRICT COURT

NORTHERN

District of

WEST VIRGINIA

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

STEVEN L. NAMACK

Case Number: 03CR00005

John J. Pizzani
Defendant's Attorney

RECEIVED
JUL 15 2003

THE DEFENDANT:

- pleaded guilty to counts 1 and 2
- pleaded not guilty to count(s) _____ which was accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

U.S. DISTRICT COURT
FILED AT WHEELING, WV

ENTERED

JUL 15 2003

JUL 15 2003

NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

U.S. DISTRICT COURT
WHEELING, WV 26003

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC §664	THEFT OR EMBEZZLEMENT FROM EMPLOYEE BENEFIT PLAN	11/21/2000	1
29 USC §501(c)	EMBEZZLEMENT OF ASSETS FROM LABOR ORGANIZATION	12/21/2000	2

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 _____ is or are dismissed upon the motion of the United States.

IT IS 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. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No.: _____
 Defendant's Date of Birth: _____
 Defendant's USM No.: _____
 Defendant's Residential Address: _____

July 11, 2003
 Date of Imposition of Judgment
Fredrick P. Stamp, Jr.
 Signature of Judicial Officer

FREDERICK P. STAMP, JR., U.S. DISTRICT JUDGE
Name and Title of Judicial Officer

July 14, 2003

Defendant's Mailing Address: _____

 Same as above _____

I hereby certify that the annexed instrument is a true and correct copy of the original filed in my office.
 ATTEST: Dr. Wally Edgell
 Clerk, U.S. District Court
 Northern District of West Virginia
Dr. Wally Edgell
 Deputy Clerk

DEFENDANT: STEVEN L. NAMACK
CASE NUMBER: 5:03CR00005

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
(Sentenced to 8 months on Count 1 and 18 months on Count 2 to be served concurrently. This sentence shall run concurrently to the sentence imposed pursuant to the judgement in Case No. 00-CR-207, Court of Common Pleas for Belmont County, OH)

The court makes the following recommendations to the Bureau of Prisons: None.

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.

at _____, as directed by the U. S. Marshals Service.

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: STEVEN L. NAMACK
CASE NUMBER: 5:03CR00005

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for term of 3 YEARS
(3 Years on Count 1 and 3 Years on Count 2 to be served concurrently)

The defendant shall 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 illegally 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 15 days of release from imprisonment and at least two periodic drug tests thereafter.

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

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release 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 also comply with the 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;
- 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 requirements.

DEFENDANT: STEVEN L. NAMACK
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SPECIAL CONDITIONS OF SUPERVISION

THE DEFENDANT SHALL PARTICIPATE IN A PROGRAM OF TESTING, COUNSELING AND TREATMENT FOR DRUG ABUSE, AS DIRECTED BY THE PROBATION OFFICER, UNTIL SUCH TIME AS THE DEFENDANT IS RELEASED FROM THE PROGRAM BY THE PROBATION OFFICER.

DEFENDANT: STEVEN L. NAMACK
 CASE NUMBER: S:03CR00005

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTAL	\$ 200.00	\$ NONE	\$ 132,255.24

- The determination of restitution is deferred _____. An Amended Judgment in a Criminal Case (AO 245C) will be 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 in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Roofers Local 188 of the United Union of Roofers, Water proofers and Allied Workers	\$108,036.18	\$108,036.18	1 st
Roofers Local 188 of the United Union of Roofers, Water proofers and Allied Workers	\$108.00	\$108.00	2 nd
Zurich American Insurance Company c/o The Fidelity and Deposit Company of America	\$24,111.06	\$24,111.06	3 rd
TOTALS	\$ 132,255.24	\$ 132,255.24	

- If applicable, restitution amount ordered pursuant to plea _____
- The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution 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 5, Part B 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 and/or restitution.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 115A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

RESTITUTION ADDRESSES

Roofers Local 188 of the United Union of Roofers,
Waterproofers and Allied Workers
AFL-CIO
JATC Apprenticeship Training Fund
2003 Warwood Avenue
Wheeling, WV 26003

Roofers Local 188 of the United Union of Roofers,
Waterproofers and Allied Workers
AFL-CIO
General Fund
2003 Warwood Avenue
Wheeling, WV 26003

Zurich American Insurance Company
c/o The Fidelity and Deposit Company of America
P.O. Box 17097
Baltimore, MD 21297-1097

