

ln

(Rev. 12/01)

**United States District Court
Northern District of Illinois**

UNITED STATES OF AMERICA)
)
 v.)
)
 Derrick Thomas)

**Case Number: 04-CR-752-1
Judge: Joan B. Gottschall**

**Steven Levy, Defendant's Attorney
Patrick C. Pope, AUSA**

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

THE DEFENDANT ENTERED A PLEA OF:

guilty to Count(s) One of the Indictment, which was accepted by the court.

THE DEFENDANT IS CONVICTED OF THE OFFENSES(S) OF:

<u>Title & Section</u>	<u>Description of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
29 U.S.C. §501(c)	Embezzlement of Union Funds	October 19, 2000	One

The defendant is sentenced on March 11, 2005 as provided in the following pages of this judgment.

PROBATION

IT IS THE JUDGMENT OF THIS COURT THAT the defendant is hereby placed on probation for a term of **Three (3) years**.

The defendant shall report immediately to the probation office in the district in which the defendant is to be supervised, but no later than seventy-two hours after sentencing. In addition, see the attached page(s) defining the mandatory, standard and discretionary conditions of probation that apply in this case.

The defendant is further sentenced as a condition of probation to:

The defendant shall complete **200 hours** of community service, as approved by the probation officer.

Home detention:

The defendant shall participate in the home detention program with electronic monitoring for a period of **Six (6) months** to commence within thirty days of the onset of supervision. During this time, the defendant will remain at the defendant's place of residence except for employment and other activities approved in advance by the defendant's probation officer. The defendant will be subject to the standard conditions of home detention adopted for use in the Northern District of Illinois. Home confinement shall include the requirement to wear an electronic monitoring device and to follow electronic monitoring procedures specified by the probation officer. The defendant shall maintain a telephone at their place of residence without any "call forwarding," "Caller ID," "call waiting," modems, answering machines, cordless telephones, mobile telephones or other special services for the above period. The defendant shall be required to contribute to the costs of services for such monitoring not to exceed the daily contractual rate. Payment for the electronic monitoring shall be made in accordance with the probation officer's direction.

The defendant shall be required to contribute a total of **\$1,000.00** toward the costs of electronic monitoring over his term of supervision. Payment for the electronic monitoring shall be made in accordance with the probation officer's direction.

The defendant shall report immediately to the probation office in the district in which the defendant is to be supervised, but no later than seventy-two hours after sentencing. In addition, see the attached page(s) defining the mandatory, standard and discretionary conditions of probation that apply in this case.

MANDATORY CONDITIONS OF PROBATION
(As set forth in 18 U.S.C. § 3563 and U.S.S.G. § 5B1.3)

- 1) For any offense, the defendant shall not commit another federal, state or local crime;
- 2) for any offense, the defendant shall not unlawfully possess a controlled substance;
- 3) for offenses committed on or after September 13, 1994, the defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within fifteen days of the onset of supervision and at least two periodic drug tests thereafter for use of a controlled substance as determined by the court;
- 4) for a domestic violence crime committed on or after September 13, 1994, as defined in 18 U.S.C. § 3561(b) by a defendant convicted of such an offense for the first time, the defendant shall attend a rehabilitation program in accordance with 18 U.S.C. § 3563(a)(4) if an approved program is readily available within a 50 mile radius of the legal residence of the defendant;
- 5) for a defendant classified as a sex offender pursuant to 18 U.S.C. § 4042(c)(4), the defendant shall comply with the reporting and registration requirements set forth in 18 U.S.C. § 3563(a)(8);
- 6) the defendant shall cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 and the Justice for All Act of 2004;
- 7) for a felony at least one condition as required by 18 U.S.C. § 3563(a)(2) and and U.S.S.G. § 5B1.3(a)(2):
- 8) the defendant shall (A) make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664; and (B) pay the special assessment imposed in accordance with 18 U.S.C. § 3013;
- 9) for any offense, the defendant shall notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay special assessments, restitution, or fines; and
- 10) for any offense, the defendant shall pay the fine or adhere to a court-established payment schedule.

STANDARD CONDITIONS OF PROBATION

- 1) For any felony or other offense, the defendant shall not possess a firearm, ammunition, or destructive device as defined in 18 U.S.C. § 921;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer (travel outside the continental United States requires court authorization);
- 3) the defendant shall report to the probation officer as directed by the court or the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall provide to the probation officer access to any requested financial information including, but not limited to, tax returns, bank statements, credit card statements, credit applications, etc.;
- 6) the defendant shall support his or her dependents and meet other family responsibilities;
- 7) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 8) the defendant shall notify the probation officer ten (10) days prior to any change in residence or employment;
- 9) the defendant shall refrain from excessive use of alcohol;

Derrick Thomas
04 CR 752-1

4 of 5

- 10) the defendant shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician, and shall submit to periodic urinalysis tests as requested by the probation officer to determine the use of any controlled substance;
- 11) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 12) 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;
- 13) 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 by the probation officer;
- 14) the defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer;
- 15) 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;
- 16) 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; and
- 17) if this judgment imposes a special assessment, restitution or a fine, it shall be a condition of probation or supervised release that the defendant pay any such special assessment, restitution or fine in accordance with the court's order set forth in the Criminal Monetary Penalties sheet of this judgment.

DISCRETIONARY CONDITIONS OF PROBATION

The defendant shall also comply with the following additional conditions of supervised release:

The defendant shall not incur any new credit charges, or open additional lines of credit without approval of the probation officer.

Derrick Thomas
04 CR 752-1

5 of 5

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the "Schedule of Payments." Unless waived, the defendant shall pay interest on any restitution and/or fine of more than \$2,500, unless the restitution and/or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). The payment options may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

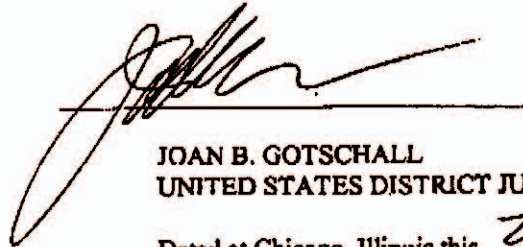
<u>Total Assessment(s)</u>	<u>Total Fine</u>	<u>Restitution</u>	<u>Mandatory Costs of Prosecution</u>
\$100.00	Fine Waived	\$3,528.52	\$

The defendant shall notify the United States Attorney's Office having jurisdiction over the defendant within thirty days of any change of name, residence or mailing address until all special assessments, restitution, fines, and costs imposed by this judgment are fully paid.

Restitution is ordered in the amount of \$3,528.52 to be made payable to GMP Local Union #138, Chicago, Illinois.

The interest requirement on restitution is waived.

Date of Imposition of Judgment/Sentencing:



JOAN B. GOTSCHALL
UNITED STATES DISTRICT JUDGE

Dated at Chicago, Illinois this 21 day of March, 2005