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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO

FILED
DISTRICT COURT CLERK
WESTERN DISTRICT OF KY

2004 JUL -7 AM 11:11

UNITED STATES OF AMERICA

INDICTMENT

BRIAN K. PAYNE

NO.

4:04CR-20-M
29 U.S. § 501(c)

The Grand Jury charges:

COUNT 1

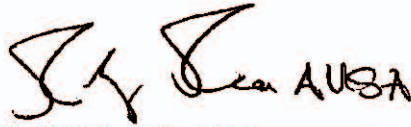
On or about and between October 22, 2001, and February 15, 2002, in the Western District of Kentucky, Daviess County, Kentucky, the defendant, BRIAN K. PAYNE, while an office manager of a labor organization engaged in an industry affecting interstate commerce, namely Laborers Local 1382, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use the moneys, funds, securities, property, and other assets of that labor organization, in the approximate amount of \$5,830, thereby violating a position of trust as described in Title 29, United States Code, Section 501(a).

In violation of Title 29. United States Code, Section 501(c).

A TRUE BILL



FOREPERSON


#7 _____
DAVID L. HUBER
UNITED STATES ATTORNEY

UNITED STATES OF AMERICA v. BRIAN K. PAYNE

P E N A L T I E S

Count: NM 5 yrs./\$250,000/both/NM 3 yrs. Supervised Release

N O T I C E

ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.

SPECIAL ASSESSMENTS

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

| | | | |
|--------------|----------------------------|---------|----------------------------|
| Misdemeanor: | \$ 25 per count/individual | Felony: | \$100 per count/individual |
| | \$125 per count/other | | \$400 per count/other |

FINES

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

Failure to pay fine as ordered may subject you to the following:

1. **INTEREST and PENALTIES** as applicable by law according to last date of offense.

For offenses occurring after December 12, 1987:

No **INTEREST** will accrue on fines under \$2,500.00.

INTEREST will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

PENALTIES of:

10% of fine balance if payment more than 30 days late.

15% of fine balance if payment more than 90 days late.

2. Recordation of a **LIEN** shall have the same force and effect as a tax lien.
3. Continuous **GARNISHMENT** may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of \$10,000 or twice the unpaid balance of the fine; or **IMPRISONMENT** for not more than 1 year or both. 18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or
2. Give bond for payment thereof.

18 U.S.C. § 3572 (g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

| | |
|----------------|--|
| LOUISVILLE: | Clerk, U.S. District Court 106 Gene Snyder U.S. Courthouse 601 West Broadway Louisville, KY 40202 502/625-3500 |
| BOWLING GREEN: | Clerk, U.S. District Court 120 Federal Building 241 East Main Street Bowling Green, KY 42101 270/393-2500 |
| OWENSBORO: | Clerk, U.S. District Court 126 Federal Building 423 Frederica Owensboro, KY 42301 270/689-4400 |
| PADUCAH: | Clerk, U.S. District Court 127 Federal Building 501 Broadway Paducah, KY 42001 270/415-6400 |

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.

FILED
DISTRICT COURT CLERK
WESTERN DISTRICT OF KENTUCKY
2004 JUL -7 AM 11:16

No. _____

UNITED STATES DISTRICT COURT

Western District of Kentucky
Owensboro Division

THE UNITED STATES OF AMERICA

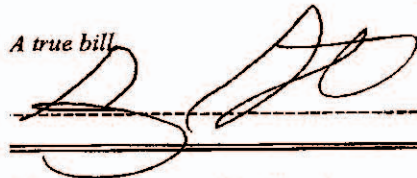
vs.

BRIAN K. PAYNE

INDICTMENT

**Title 29, U.S.C. § 501(c).
Embezzlement of Moneys, Funds, Securities,
Property and Other Assets of a Labor
Organization By Employee of Labor Union.**

A true bill



Foreman

Filed in open court this 7th day,

of July A.D. 2004.

Clerk

Bail, \$