

WCG  
WEC

U.S. DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

'03 APR -8 P1Z 06

UNITED STATES OF AMERICA,

Plaintiff,

SOFTON D. NEPESKY  
CLERK

**03 - CR 074**

v.

Case No. 03-CR- (WCG)  
GREEN BAY  
[T. 29 U.S.C. §§ 501(c) and 439(c)]

LELAND DAVID HASKINS, JR.

Defendant.

**INDICTMENT**

**THE GRAND JURY CHARGES:**

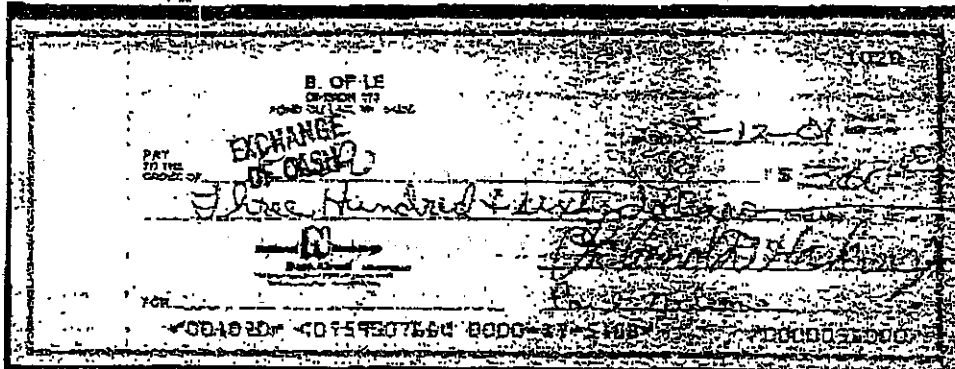
Allegations Common to all Counts

1. From about August 2000 to on or about March 2002, Leland David Haskins, Jr. was Secretary-Treasurer of Division 173 of the Brotherhood of Locomotive Engineers (hereinafter BLE 173), Fond du Lac, Wisconsin.
2. Division 173 of the Brotherhood of Locomotive Engineers was a labor organization within the meaning of the Labor-Management Reporting and Disclosure Act, and engaged in an industry affecting commerce.
3. During that time period, Leland David Haskins, Jr. embezzled approximately \$41,600.12 of union funds and diverted said funds to his own use.

**COUNT ONE**

**THE GRAND JURY FURTHER CHARGES:**

4. On or about March 12, 2001, in the State and Eastern District of Wisconsin,  
**LELAND DAVID HASKINS JR.,**  
the defendant herein, did knowingly and willfully make false entries in records of BLE 173 by forging the signature of the BLE 173 alternate Secretary/Treasurer on a union check number 1020 for \$360.00. The check is reproduced below.



*All in violation of Title 29, United States Code, Section 439(c).*

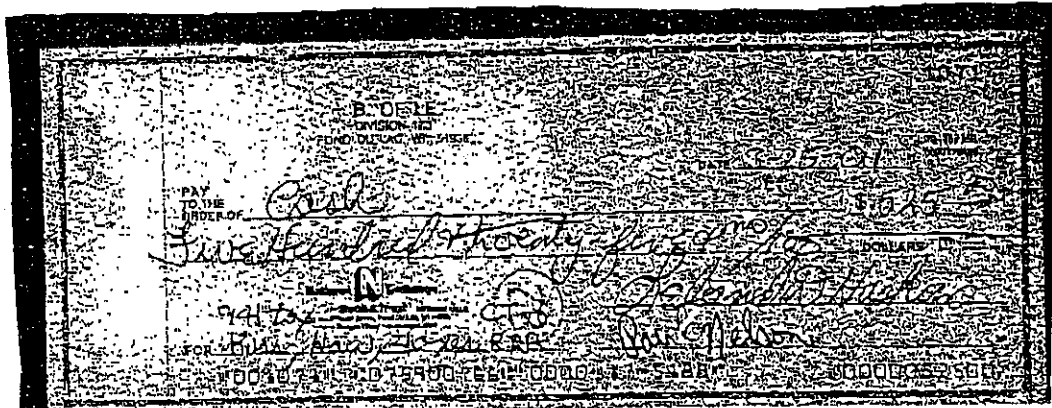
**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES:**

5. On or about August 25, 2001, in the State and Eastern District of Wisconsin,

**LELAND DAVID HASKINS JR.,**

the defendant herein, did knowingly and willfully make false entries in records of BLE 173 by forging the signature of the BLE 173 alternate Secretary/Treasurer on union check number 1071 for \$525.00. The check is reproduced below.



*All in violation of Title 29, United States Code, Section 439(c).*

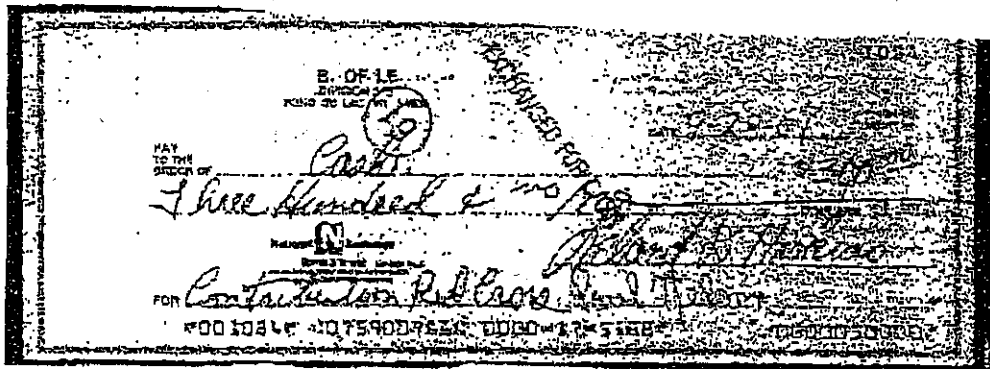
**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES:**

6. On or about September 28, 2001, in the State and Eastern District of Wisconsin,

**LELAND DAVID HASKINS JR.,**

the defendant herein, did knowingly embezzle \$300.00 from BLE 173 by cashing check number 1084 drawn on BLE 173's checking account number 0000-17-5188 held at National Exchange Bank. The defendant falsely indicated on the check, in the memo section, that the check was to be used for a donation from the union to the Red Cross for the victims of September 11<sup>th</sup> when, in fact he used the money for his own benefit. The defendant knew that BLE 173 approved a donation to the Red Cross for the victims of September 11 but no contribution was ever received by the Red Cross. The check is reproduced below.



*All in violation of Title 29, United States Code, Section 501(c).*

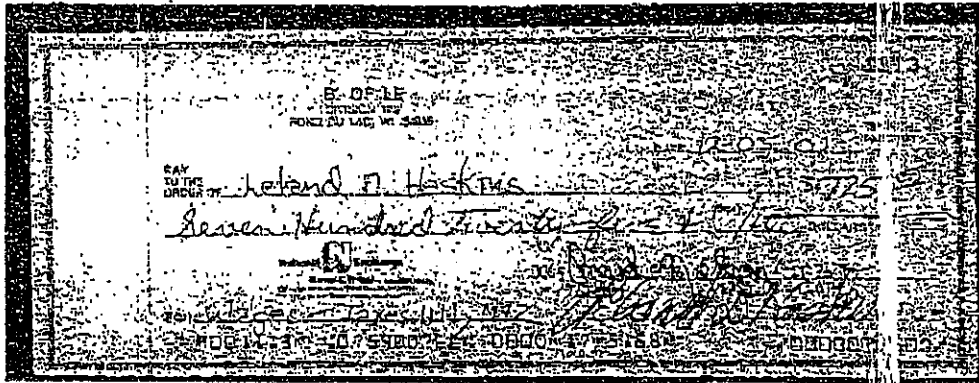
COUNT FOUR

**THE GRAND JURY FURTHER CHARGES:**

7. On or about December 5, 2001, in the State and Eastern District of Wisconsin,

**LELAND DAVID HASKINS JR.,**

the defendant herein, did knowingly embezzle \$725.00 from BLE 173 by cashing check number 1113 draw on BLE 173's checking account number 0000-17-5188 held at National Exchange Bank. The defendant falsely indicated on the check, in the memo section, that the check was to be used to pay wages and for federal employment taxes to the Internal Revenue Service when, in fact, he used the money for his own benefit. The check is reproduced below.



*All in violation of Title 29, United States Code, Section 501(c).*

A TRUE BILL:

*Steven M. Biskupic*  
FOREPERSON

Dated: 4/8/03

*Steven M. Biskupic*  
STEVEN M. BISKUPIC  
United States Attorney

USDC EDWI  
FILED IN GREEN BAY WI  
OCT 28 2003  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M  
SOFRON B. NEDILSKY

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

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

v.

Case Number: 03-CR-74

LELAND DAVID HASKINS, JR.

Nancy Joseph  
Defendant's Attorney

Gregory J. Haanstad  
Assistant United States Attorney

THE DEFENDANT pleaded guilty to counts one, two, three, and four of the indictment.

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

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
29 U.S.C. § 439(c)	False entries in records and forgery	03/12/01	1
29 U.S.C. § 439(c)	False entries in records and forgery	08/25/01	2
29 U.S.C. § 501(c)	Embezzlement of assets	09/28/01	3
29 U.S.C. § 501(c)	Embezzlement of assets	12/05/01	4

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.

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 the 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.:

Date of Imposition of Judgment  
October 23, 2003

Defendant's Mailing Address:  
357 4th Street  
Fond du Lac, WI 54935

William C. Griesbach  
Signature of Judicial Officer

William C. Griesbach, U.S. District Judge  
Name & Title of Judicial Officer

10-28-03  
Date

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of twelve (12) months as to each of Counts 1 and 2 of the Indictment and fourteen (14) months as to each of Counts 3 and 4 of the Indictment, to run concurrently for a total term of imprisonment of fourteen (14) months.

- The court makes the following recommendations to the Bureau of Prisons:  
The court recommends that the defendant be placed in a correctional facility close in proximity to Fond du Lac, WI.
- 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.
  - as notified by the Probation or Pretrial Services Office.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
  - before \_\_\_ a.m./p.m. on \_\_\_.
  - as notified by the United States Marshal.
  - as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ with a certified copy of this judgment.

UNITED STATES MARSHAL

By: \_\_\_\_\_  
Deputy United States Marshal

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for term of one (1) year as to each of Counts 1 and 2 of the Indictment and three (3) years as to each of Counts 3 and 4 of the Indictment, to run concurrently for a total term of supervised release of three (3) years.

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. Such possession will result in revocation of the supervision term and the defendant will be obligated to serve a further term in prison.

*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 within one year from the commencement of supervision.

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 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 by 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 notification and to confirm the defendant's compliance with such notification requirement.



**ADDITIONAL SUPERVISED RELEASE TERMS**

1. The defendant is to pay the restitution at a rate of not less than \$100.00 per month. The defendant will also apply 100 percent of his or her yearly federal and state tax refunds toward payment of the fine. The defendant shall not change exemptions without prior notice of the supervising probation officer.
2. The defendant shall not open new lines of credit, which includes the leasing of any vehicle or other property, or use existing credit resources without the prior approval of the supervising probation officer.
3. The defendant is to provide access to all financial information requested by the supervising probation officer including, but not limited to, copies of all federal and state tax returns. All tax returns shall be filed in a timely manner. The defendant shall also submit monthly financial reports to the supervising probation officer.
4. The defendant shall not hold employment having fiduciary responsibilities during the supervision term without first notifying the employer of his or her conviction. The defendant shall not hold self-employment having fiduciary responsibilities without approval of the supervising probation officer.
5. The defendant shall participate in a mental health treatment program and shall take any and all prescribed medications as directed by the treatment provider and participate in any psychological/psychiatric evaluation and counseling as approved by the supervising probation officer. The defendant shall pay the cost of such treatment under the guidance and supervision of the supervising probation officer.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on the attached page.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>Totals:</b>	<b>\$250.00</b>	<b>\$0.00</b>	<b>\$37,900.12</b>

- The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgement in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If a 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 of Percentage of Payment</u>
Roger Bussey Attn: President, BLE Union 72 South Park Street Fond du Lac, WI 54935	\$ 37,900.12	\$ 37,900.12	
<b>Totals:</b>	<b><u>\$ 37,900.12</u></b>	<b><u>\$ 37,900.12</u></b>	

- Restitution amount ordered pursuant to plea agreement: \$ \_\_\_\_\_.
- The defendant shall pay interest on any fine or restitution of more than \$2,500.00, 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 included in this judgment may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determines 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.
  - the interest requirement for the  fine and/or  restitution is modified, as follows:

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A  Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due  
 not later than \_\_\_\_\_, or  
 in accordance with  C,  D, or  E below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  E below); or
- C  Payment in monthly installments of \$ \_\_\_ until paid in full, to commence 30 days after the date of this judgment; or
- D  Payment in monthly installments of \$100.00 until paid in full, to commence 30 days after release from imprisonment to a term of supervision; or
- E  Special instructions regarding the payment of criminal monetary penalties:

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, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program are made to the clerk of court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several  
Defendant Name, Case Number, and Joint and Several Amount:
- The defendant shall pay the cost of prosecution
- The defendant shall pay the following court costs
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.