

# United States District Court

## Northern District of Ohio

Eastern Division

**UNITED STATES OF AMERICA**

V.

**Murdytha Stubbs**

**JUDGMENT IN A CRIMINAL CASE**

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

**Case Number: 1:03CR234-01**

Counsel For Defendant: **Debra M. Hughes, First Asst. Federal Public Defender**

Counsel For The United States: **Christian H. Stickan, Asst. U.S. Atty.**

Court Reporter: **George Staiduhar**

**THE DEFENDANT:**

**X** pleaded guilty to count 1 of the indictment

pleaded nolo contendere to count(s)  
which was accepted by the court.

Was found guilty on count(s)  
after a plea of not guilty

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

<u>Title &amp; Section Number(s)</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
29 U.S.C. §501(c)	Labor Union Embezzlement, A Class D felony	12/1999	1

The defendant is sentenced as provided in pages 1 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 count(s)

**X** Counts 2 and 3 of the indictment are dismissed on the motion of the United States.

**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. 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 Number:

Defendant's Residence Address:

Defendant's Mailing Address:

October 29, 2003

Date of Imposition of Judgment

  
\_\_\_\_\_  
Signature of Judicial Officer

**Solomon Oliver, Jr.**  
United States District Judge

Date: October 29, 2003

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DEFENDANT: **Stubbs, Murdytha**  
CASE NUMBER: **1:03CR234-01**

## PROBATION

The defendant is hereby placed on probation for a term of 2 years.

The defendant shall report immediately to the probation department unless otherwise directed by the Court.

Pursuant to 18 U.S.C. 3563(a) the court shall order the defendant to 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.

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:*

Unless otherwise stated in this Judgment, the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days after being placed on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

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

**X** The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)

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 that remains unpaid at the commencement of the term of probation 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).

**X** The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

**X** The defendant shall also comply with the additional conditions on the attached page.

### STANDARD CONDITIONS OF PROBATION

- 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 anytime 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.

DEFENDANT: Stubbs, Murdytha

CASE NUMBER: 1:03CR234-01

### ADDITIONAL CONDITIONS OF PROBATION

- The defendant shall reside in a community treatment center, halfway house, or similar facility for a period of \_\_\_\_\_ Days/months to begin not later than \_\_\_\_\_ . (Work/medical release privileges granted).
- The defendant is committed to the custody of the Bureau of Prisons for \_\_\_\_\_ Months. It is recommended that the Comprehensive Sanctions Center be designated as the place of confinement.
- Upon release from the imprisonment portion of this sentence, the defendant shall be placed on supervised release for \_\_\_\_\_ Years. (Split-Sentence)
- The defendant shall participate in the Home Confinement Program with / without Electronic Monitoring for a period of \_\_\_\_\_ Days/ months beginning no later than 30 calendar days from sentencing. You are required to remain in your residence unless you are given permission in advance by your Probation Officer to be elsewhere. You may leave your residence to work, to receive medical treatment and to attend religious services. You shall wear an electronic monitoring device, follow electronic monitoring procedures and submit to random drug/alcohol tests as specified by the Probation Officer. The defendant may participate in the Earned Leave Program under terms set by the Probation Officer. The defendant shall be required to pay the cost of the Home Confinement Program as directed by the Probation Officer.
- The defendant is not required to pay the costs associated with the Home Confinement Program.
- The defendant shall perform \_\_\_\_\_ Hours of community service as directed by the Probation Officer.
- The defendant shall reside and participate in a residential drug treatment program as instructed by your Probation Officer, until discharged by the facility and as approved by your Probation Officer.
- The defendant shall participate in, and successfully complete, a cognitive restructuring program as instructed by your Probation Officer.
- The defendant shall participate in an outpatient program approved by the U.S. Probation Office for the treatment for drug and/or alcohol abuse which will include testing to determine if the defendant has reverted to substance abuse.
- The defendant shall participate in an outpatient mental health program as directed by the Probation Officer.
- The defendant shall permit his Probation Officer to conduct random searches and examinations of any personal computer/computing systems utilized by the defendant. The defendant shall assist such searches by providing all passwords and password phrases, together with all other information necessary to enable access to any and all computer files.
- The defendant shall provide the Probation Officer access to any requested financial information.
- The defendant shall not incur new credit charges or open additional lines of credit without the approval of the Probation Officer unless the defendant is in compliance with the payment schedule.
- The defendant is barred from holding any paid or unpaid position in the union for a period of 13 years.

**DEFENDANT: Stubbs, Murdytha**  
**CASE NUMBER: 1:03CR234-01**

**FINE AND/OR RESTITUTION**

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

	<b>Assessment</b>	<b>Fine</b>	<b>Restitution</b>
<b>Totals:</b>	<b>\$100.00</b>	<b>\$-0-</b>	<b>\$66.00</b>

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

Payments are to commence during the period of confinement through Bureau of Prisons Inmate Financial Responsibility Program in an amount determined to be appropriate.

**FINE**

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 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.

The interest requirement for the fine and/or restitution is modified as follows:

**RESTITUTION**

The determination of restitution is deferred until . . . . . An Amended Judgment in a Criminal Case will be entered after such a determination.

**X** 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.

Name of Payee	** Total Amount of Loss	Amount of Restitution Ordered	Priority Order Or Percentage of Payment
United Steelworkers of America Local 3586 Cleveland, Ohio		\$66.00 (or what is due and owing)	
<b>Totals:</b>	<b>\$</b>	<b>\$66.00 (or what is due and owing)</b>	

Additional Restitution Payees

\*\* 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 but before April 23, 1996.

**DEFENDANT: Stubbs, Murdytha**

**CASE NUMBER: 1:03CR234-01**

### SCHEDULE OF PAYMENTS

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

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

- A  **Special assessment of \$100.00 is due in full immediately on count 1**
- B Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due not later than \_\_\_\_\_, or in accordance with \_\_\_\_ C, \_\_\_\_ D, or \_\_\_\_ E below; or
- C Payment to begin immediately (may be combined with \_\_\_\_ C, \_\_\_\_ D, or \_\_\_\_ E below); or
- D payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of This judgment; or
- E Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release. From imprisonment to a term of supervision; or
- F Special instructions regarding the payment of criminal monetary penalties:

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.  
**PAYMENT IS TO BE MADE PAYABLE AND SENT TO THE CLERK, U.S. DISTRICT COURT.**

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 penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States attorney.

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 cost(s):

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.