

UNITED STATES DISTRICT COURT

MIDDLE

District of

PENNSYLVANIA

UNITED STATES OF AMERICA

V.

JAMES HUBLER

JUDGMENT IN A CRIMINAL CASE

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

Case Number: 4:02-CR-305-01

D. Toni Byrd, Esquire

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) Count 1 of Information

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 & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
29:501	Embezzlement of Labor Union Assets	02/01/01	1

The defendant is sentenced as provided in pages 2 through 8 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(s) _____ is are dismissed on 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. _____

Defendant's Date of _____

Defendant's USM No.: _____

Defendant's Residence Address: _____

Defendant's Mailing Address: _____

September 25, 2003

Date of Imposition of Judgment



Signature of Judicial Officer

MUIR, U.S. DISTRICT JUDGE

Name and Title of Judicial Officer

September 29, 2003
Date

DEFENDANT: JAMES HUBLER
CASE NUMBER: 4:02-CR-305-01

IMPRISONMENT

Pursuant to the Sentencing Reform Act of 1984, the defendant is hereby committed to the custody of the United States Bureau of total Prisons to be imprisoned for a total term of three (3) months and three (3) weeks.
This sentence is concurrent with the defendant's imprisonment pursuant of the judgment in Columbia County Court of Common Pleas at Docket 2002-874.

- The court makes the following recommendations to the Bureau of Prisons:
The Court recommends that the Bureau of Prisons designate Columbia County Prison to be the place of service of this sentence, thereby making this sentence concurrent with the defendant's imprisonment pursuant to the judgment in Columbia County Court of Common Pleas Docket No. 2002-874.
- 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.
- The defendant is to contact the United States Marshal's Office no later than three days prior to the above date to be notified of the place of confinement.

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: JAMES HUBLER
CASE NUMBER: 4:02-CR-305-01

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of two (2) 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.

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 as directed by the probation officer.

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

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 as directed by the court or 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 requirement.

DEFENDANT: JAMES HUBLER
CASE NUMBER: 4:02-CR-305-01

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

- 14) the defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapon.
- 15) the defendant shall participate in a program of testing and treatment for drug abuse, as directed by the Probation Office, until such time as you are released from the program by the Probation Officer.
- 16) the defendant shall notify the Court and U.S. Attorney's Office of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines or special assessments.
- 17) 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 installment schedule for payment of restitution, fines or special assessment.
- 18) the defendant shall provide the Probation Officer with access to any requested financial information.

DEFENDANT: JAMES HUBLER
CASE NUMBER: 4:02-CR-305-01

SPECIAL CONDITIONS OF SUPERVISION

1) The Defendant shall remain for a period of five (5) months at his residence with electronic monitoring, unless given permission in advance by the Probation Officer to be elsewhere, and shall abide by the rules of the home detention program. The Defendant shall maintain a telephone with no special features at his place of residence for the above period. Provisions will be made by the Probation Officer for the Defendant's absence from the residence for employment, medical services, religious services, and necessary shopping. In view of the Defendant's financial condition, IT IS FURTHER ORDERED that the Defendant shall pay the cost of the electronic monitoring program at a rate not to exceed \$3.47 per day;

- (a) The following special telephone devices or services are prohibited:
- (1) party lines; (2) cordless telephones; (3) caller identification; (4) call forwarding; (5) call waiting; (6) answering machines; and (7) other devices or services which may interfere with the proper functioning of the electronic monitoring equipment;

2) The Defendant shall participate in a program of mental health counseling and treatment as approved by the Probation Officer; and

3) The Defendant shall make restitution in nominal monthly installments of at least \$5.00.

DEFENDANT: JAMES HUBLER
CASE NUMBER: 4:0-CR-305-01

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ -0-	\$ 24,186.79

The determination of restitution is deferred until _____. An Amended Judgment 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 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>
Clerk, U.S. District Court for disbursement to the United Steel Workers of America, ATTN: Joseph B. Pozza, III Sub-District Director Sub-District Office 1800 North Market Street Berwick, PA 18603-1321		\$24,186.79	

TOTALS \$ _____ \$ 24,186.79

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

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.

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.

DEFENDANT: JAMES HUBLER
CASE NUMBER: 4:02-CR-305-01

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

The Court finds that the defendant does not have the ability to pay a fine, but he shall make restitution of \$24,186.74 to the Clerk, U.S. District Court, for disbursement to the United Steel Workers of America, Berwick, PA. Payment of interest is waived. The Defendant shall make restitution in nominal monthly installments of at least \$5.00.

DEFENDANT: JAMES HUBLER
CASE NUMBER: 4:02-CR-305-01

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 \$ 100.00 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 _____ (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
- 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 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 instruction 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 made to the Clerk, United States District Court, Middle District of Pennsylvania, 235 North Washington Ave., Post Office Box 1148, Scranton, Pa. 18501, 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 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.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 : 4:CR-02-0305
 v. :
 :
 JAMES HUBLER : (Judge Muir)

STATEMENT OF REASONS FOR SENTENCE

September 25, 2001

The reasons for the sentence imposed in this case are to reflect the seriousness of the offense, to provide just punishment for the offense, to protect the public and to deter Mr. Hubler and other persons similarly situated.



MUIR, U.S. District Judge

MM:ga