

FILED

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

03 NOV 14 PM 0:24

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

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

CASE NUMBER: 8:03-CR-211-T-17MSS

vs.

HOWARD ROUNDTREE

Defendant's Attorney: AFPD Tracy Dreispul

THE DEFENDANT:

XX pleaded guilty to count(s) one of the Information.

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

TITLE & SECTION	NATURE OF OFFENSE	DATE OFFENSE CONCLUDED	COUNT NUMBER(S)
18:USC:1027 and 2	Making False Statements in a Document Required by Title I of the Employee Retirement Income Security Act of 1984	June 30, 1998	One

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 and the Mandatory Victims Restitution Act of 1996.

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.:

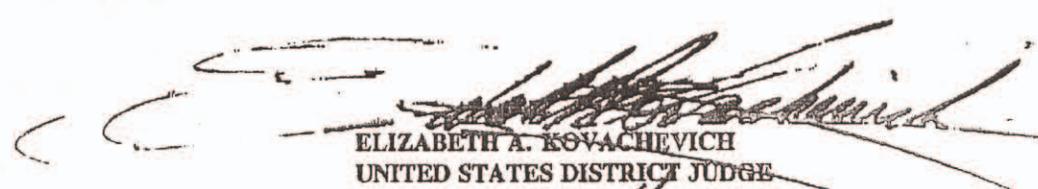
Defendant's Date of Birth:

Date of Imposition of Sentence: November 14, 2003

Defendant's USM No.:

Defendant's Mailing Address:

Defendant's Residence Address:



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

DATE: November 14, 2003

M

Defendant: HOWARD ROUNDTREE
Case No.: 8:03-CR-211-T-17MSS

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **FIVE (5) MONTHS** as to count one of the Information with credit for time served to be calculated by the United States Bureau of Prisons.

XX The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.

XX by 12:00 Noon on Tuesday, January 6, 2004 . The defendant shall report immediately to the U.S. Marshal Service for further reporting instructions.

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 Marshal

Defendant: HOWARD ROUNDTREE
Case No.: 8:03-CR-211-T-17MSS

Judgment - Page 3 of 6

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term 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.

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.

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

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 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 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: HOWARD ROUNDTREE
Case No.: 8:03-CR-211-T-17MSS

Judgment - Page 4 of 6

SUPERVISED RELEASE

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

- XX The defendant shall participate in the Home Detention program for a period of **FIVE (5) MONTHS** . During this time, defendant will remain at defendant's place of residence except for employment and other activities approved in advance by the defendant's Probation Officer to include physical exercise. Defendant will be subject to the standard conditions of Home Detention adopted for use in the Middle District of Florida, which may include the requirement to wear an electronic monitoring device and to follow electronic monitoring procedures specified by the Probation Officer. Further, the defendant shall be required to contribute to the costs of services for such monitoring not to exceed an amount determined reasonable by the Probation Officer based on ability to pay (or availability of third party payment) and in conformance with the Probation Office's Sliding Scale for Electronic Monitoring Services.
- XX The defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, acquisitions or obligating himself for any new major purchases without approval of the probation officer.
- XX The defendant shall provide the probation officer access to any requested financial information.

Defendant: HOWARD ROUNDTREE
 Case No.: 8:03-CR-211-T-17MSS

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>Total Restitution</u>
Totals:	\$100.00	\$Waived	\$26,979.46

___ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

XX 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 of 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 <u>Payment</u>
Federal Marine Terminals, Inc. 600 Regal Cruise Way Palmetto, FL 34221-6607		\$26,979.46	
Totals:	\$	\$26,979.46	

___ 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 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: HOWARD ROUNDTREE
Case No.: 8:03-CR-211-T-17MSS

Judgment - Page 6 of 6

SCHEDULE OF PAYMENTS

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

- A. XX Lump sum payment of \$ 100.00 for special assessment due immediately.
 ___ not later than _____, or
 ___ in accordance with ___ C, ___ D, or ___ E below; or
- B. XX RESTITUTION PAYMENTS: The defendant shall begin making payments of FOUR HUNDRED AND NO/100 DOLLARS (\$400.00) per month, and this payment schedule shall continue unless the victim, the government, or the defendant, notifies the court of a material change in the defendant's ability to pay and the court modifies the schedule.
- C. ___ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ days (e.g., 30 or 60 days) after 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 ___ 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 of the 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 cost(s):
- ___ The defendant shall forfeit the defendant's interest in the following property to the United States:
- ___ The Court Orders that the defendant forfeit to the United States immediately and voluntarily any and all assets and property, or portions thereof, subject to forfeiture, which are in the possession or control of the defendant or the defendant's nominees.

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.

FILE COPY

Date Printed: 11/17/2003

Notice sent to:

— Katherine M. Ho, Esq.
U.S. Attorney's Office
Middle District of Florida
400 N. Tampa St., Suite 3200
Tampa, FL 33602

8:03-cr-00211 jlg

— Maria Guzman, Esq.
Federal Public Defender's Office
Middle District of Florida
400 N. Tampa St., Suite 2700
Tampa, FL 33602

8:03-cr-00211 jlg