

UNITED STATES DISTRICT COURT

WESTERN

District of

ARKANSAS

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

RODNEY D. MAGBY

Case Number: 6:94CR60029-001

USM Number: 04672-010

James B. Pierce

Defendant's Attorney

THE DEFENDANT:

X plead guilty to violation of condition(s) New Law Violation, Special Condition #1, Standard Conditions #7 and #9 of the term of supervision.

was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
New Law Violation	On October 29, 2012, the offender drove a vehicle without a license. During subsequent contact with a law enforcement officer, the offender fled on foot from the officer.	10/29/2013
Special Condition #1	Offender provided a 95% dilute urine sample on August 20, 2012. He refused his drug test on September 5, 2012. Offender failed to report for drug testing on the following dates: September 24, 2012; October 10 and 15, 2012; and November 2, 2012.	11/2/2012

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed by referring to the U.S. Sentencing Guidelines as only advisory within the statutory range for offense(s).

The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) condition.

It is ordered that the defendant must 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 must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: XXX-XX-7190

January 25, 2013

Date of Imposition of Judgment

Defendant's Date of Birth: XX/XX/1967

Signature of Judge

Defendant's Residence Address:

566 Brady Mountain Cutoff

Royal, AR 71968

Honorable Jimm Larry Hendren, United States District Judge

Name and Title of Judge

Date

January 28, 2013

Defendant's Mailing Address:

Same as above

US DISTRICT COURT  
WESTERN DIST ARKANSAS  
FILED

JAN 28 2013

CHRIS R. JOHNSON, Clerk  
By

Deputy Clerk

DEFENDANT: RODNEY D. MAGBY  
CASE 6:94CR60029-001

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
Standard Condition #7	Offender used and tested positive for methamphetamine on or about August 24, 2012. Offender used methamphetamine and marijuana on or about October 5, 2012 as evidenced by his confession.	10/5/2012
Standard Condition #9	On or about October 29, 2012, the offender was associating with known felon Laurie Lee Hooks (aka - Laurie Lee Lowrey).	10/29/2012

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### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: Thirteen (13) months. No supervision will follow term of imprisonment.

The court makes the following recommendations to the Bureau of Prisons:

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.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

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**CRIMINAL MONETARY PENALTIES**

The defendant must pay the following total criminal monetary penalties under the schedule of payments set forth on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ -0-	\$ 13,652.00*	\$ -0-

\*balance owed on original amount of \$15,000.00

- 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 before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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<b>TOTALS</b>	\$ _____	\$ _____
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- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution or a fine more than \$2,500, unless the restitution or fine 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 6 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  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

\* 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.

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### 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 \$ 13,652.00 due immediately, balance due  
 not later than \_\_\_\_\_, or  
 in accordance with  C,  D,  E, or  F below); or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., 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 equal \_\_\_\_\_ (e.g., 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  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay.
- F  Special instructions regarding the payment of criminal monetary penalties:  
Provided however, if the fine is not paid immediately, the defendant shall make payment thereon as he is able while in custody. Thereafter, the United States is to collect the remaining unpaid fine.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes imprisonment, payment of criminal monetary penalties is 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.

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

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount and corresponding payee, if appropriate.

- 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) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.