

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

```

-----x
UNITED STATES OF AMERICA,      :
                                :
v.                               : CRIMINAL NO. 2:05-00155
                                :
PATRICIA BURTON,               : MAY 11, 2006
                                : MAY 12, 2006
Defendant.                      :
-----x

```

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN T. COPENHAVER, JR.
UNITED STATES DISTRICT JUDGE

APPEARANCES:

```

FOR THE UNITED STATES:      AUSA R. GREGORY McVEY
                             U.S. Attorney's Office
                             P.O. Box 1713
                             Charleston, WV 25336

FOR THE DEFENDANT:         TROY N. GIATRAS
                             JOHN D. LITTLE
                             118 Capitol Street, Suite 400
                             Charleston, WV 25301

PROBATION OFFICER:        DEBRA L. LADOU CER
                             300 Virginia Street East
                             Charleston, WV 25301

COURT REPORTER:           BARBARA STEINKE, RMR
                             Post Office Box 75025
                             Charleston, WV 25375
                             (304) 347-3151

```

These proceedings were reported with use of a stenographic machine and transcribed with use of computer-aided transcription.

1 May 12, 2006 P R O C E E D I N G S 1:38 p.m.

2 THE CLERK: The case before the Court is *United States*
3 *of America versus Patricia Burton*, Criminal Number 2:05-00155.
4 Would counsel note their appearance for the record, please.

5 MR. McVEY: Greg McVey for the United States.

6 MR. GIATRAS: Troy Giatras, Your Honor, on behalf of
7 Ms. Burton who is also present in the courtroom.

8 THE COURT: Let me ask first whether the parties have
9 anything further on any of the matters that have thus far been
10 presented.

11 MR. McVEY: Nothing on behalf of the United States,
12 Your Honor.

13 MR. GIATRAS: No, Your Honor.

14 THE COURT: And are the parties ready for the Court's
15 findings on the issues?

16 MR. McVEY: Yes, Your Honor.

17 MR. GIATRAS: Yes, Your Honor.

18 THE COURT: The Court notes that its findings are made
19 on the basis of that which is set forth in the presentence
20 report to which the defendant has attested as to its factual
21 accuracy. In doing so, the Court recognizes that the
22 presentence report at times carries two versions of events. The
23 second of the two is the one that the defendant presents. There
24 are several such instances. They are not of major consequence,
25 but the Court has adopted for purposes of these findings the