

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO
SENTENCING MINUTE SHEET

CR No.	15-3051 JB	USA v.	Sam		
Date:	3/31/2016	Name of Deft:	Richmond Sam		
Before the Honorable		James O. Browning			
Time In/Out:	9:07 a.m./10:18 a.m.		Total Time in Court:	1:11	
Clerk:	K. Wild		Court Reporter:	J. Bean	
AUSA:	David Adams/Jack Burkhead (Mr. Burkhead departed before conclusion of hearing)		Defendant's Counsel:	Robert Gorence (Appointed)	
Sentencing in:	ABQ		Interpreter:	N/A	
Probation Officer:	Laina Romero		Sworn?	<input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Convicted on:	<input checked="" type="checkbox"/>	Plea <input type="checkbox"/>	Verdict	As to:	<input checked="" type="checkbox"/> Information <input type="checkbox"/> Indictment
Plea:	<input type="checkbox"/>	Accepted <input type="checkbox"/>	Not Accepted <input type="checkbox"/>	Adjudged/Found Guilty on Counts:	
Plea Agreement:	<input checked="" type="checkbox"/>	Accepted <input type="checkbox"/>	Not Accepted <input type="checkbox"/>	No Plea Agreement <input type="checkbox"/>	Comments:
Date of Plea:	December 31, 2015		PSR:	<input checked="" type="checkbox"/>	Not Disputed <input type="checkbox"/> Disputed <input type="checkbox"/>
PSR:	<input checked="" type="checkbox"/>	Court Reviewed PSR Factual Findings and USSG Calculations and Adopts as Its Own	Evidentiary Hearing:	<input checked="" type="checkbox"/>	Not Needed <input type="checkbox"/> Needed <input type="checkbox"/>
Exceptions to PSR:	see below - not exceptions, corrections to typographical errors				
SENTENCE IMPOSED		Imprisonment (BOP): 15 months			
Supervised Release:	3 years		Probation:	<input type="checkbox"/>	500-Hour Drug Program <input type="checkbox"/>
SPECIAL CONDITIONS OF SUPERVISION					
<input type="checkbox"/>	No re-entry without legal authorization		<input type="checkbox"/>	Home confinement for _____ months _____ days	
<input type="checkbox"/>	Comply with ICE laws and regulations		<input type="checkbox"/>	Community service for _____ months _____ days	
<input type="checkbox"/>	ICE to begin removal immediately or during sentence		<input checked="" type="checkbox"/>	Reside halfway house 6 months	
<input checked="" type="checkbox"/>	Participate in outpatient substance abuse program		<input type="checkbox"/>	Register as sex offender	
<input checked="" type="checkbox"/>	Participate in outpatient mental health program		<input type="checkbox"/>	Participate in sex offender treatment program	
<input checked="" type="checkbox"/>	No alcohol or other forms of intoxicants		<input type="checkbox"/>	Possess no sexual material	
<input checked="" type="checkbox"/>	Submit to search of person/property		<input type="checkbox"/>	No computer with access to online services	
<input checked="" type="checkbox"/>	No contact with victim's family and/or co-Deft(s)		<input type="checkbox"/>	No contact with children under 18 years	
<input type="checkbox"/>	No entering, or loitering near, victim's		<input type="checkbox"/>	No volunteering where children supervised	
<input type="checkbox"/>	Provide financial information		<input type="checkbox"/>	Restricted from occupation with access to	
<input type="checkbox"/>	Grant limited waiver of confidentiality		<input type="checkbox"/>	No loitering within 100 feet of school yards	

<input checked="" type="checkbox"/>	OTHER: --The Defendant must refrain from the use and possession of synthetic cannabinoids, commonly referred to as spice, or synthetic cathinones, commonly referred to as bath salts. --The Defendant must not possess a firearm, ammunition, destructive device, or any other dangerous weapon. --The Defendant shall have no contact with gang members without prior approval of the probation officer.			
Fine: \$	0.00	Restitution: \$	\$1,053.60 (The Court finds the Mandatory Restitution Act of 1996 applicable in this case; therefore, a claim of restitution in the amount of \$1,053.60 to Christine Chavez will be ordered. Payments shall be forwarded to the Clerk of the Court, 333, Lomas Blvd., N.W., Suite 260, Albuquerque, New Mexico 87102. The Defendant shall make payments of not less than \$50.00 per month.)	
SPA: \$	100.00	Payment Schedule:	<input checked="" type="checkbox"/> Due Immediately	<input type="checkbox"/> Waived
OTHER:	Consistent with a stipulation in the Plea Agreement, the Defendant forfeits his rights, title and interest to all assets outlined in the plea agreement.			
<input checked="" type="checkbox"/>	Advised of Right to Appeal	<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement	
<input checked="" type="checkbox"/>	Held in Custody		Voluntary Surrender	
	Recommended place(s) of incarceration:			
<input checked="" type="checkbox"/>	Dismissed Counts:	AUSA tenders written motion and proposed form of order to dismiss Indictment; Court grants/signs.		
OTHER COMMENTS		<p>Court suggests the following changes to PSR: para. 23, at the fourth line, "to be at home," to "to be at home;"; para. 24, at the third line, "She eluded problems arose"; to "She eluded to problems that arose"; para. 40, at the sixth line, "in Indian Country;" to "in Indian Country,;" para. 44, page 9, second full para, at the fourth line "himself in however he only" to "himself in, however, he only"; para. 59, at the next to last line, "was 14;" to "was 14,;" para. 64, at the first line, "December 2013, the Laguna Tribe" to "December 2013, that the Laguna Tribe"; para. 71, at the fifth line, "times a month; and" to "times a month, and"; para. 76, the first sentence revised to read as follows: "The defendant reported when he was 21 he worked with his cousin in Bloomfield for one year as a roustabout in the oil field." and, the third sentence revised to read as follows: "He conveyed he worked with his cousin in Bloomfield when he was 23, for two years at a machine shop doing welding work.;" counsel nor USPO oppose; Court orders PSR revised re: same. Court notes CRD contacted defense counsel to inform Court is considering imposition of fine - asks if defense opposes victim losses as outlined in declaration provided by USPO prior to hearing? Defense counsel informs do not oppose restitution amount; introduces Defendant's family members; addresses Court to include argument in support of downward variance outlined in 11(c)(1)(C) agreement and in opposition of imposition of fine. Defendant allocutes. Upon Court's inquiry, AUSA orally moves for third level reduction based on acceptance - informs will submit at later time; Court grants. AUSA tenders written motion and proposed form of order to dismiss Indictment; Court grants/signs. Court confers w/USPO re: methodology in arriving at value of vehicles. AUSA Adams introduces victim's family; addresses Court to include argument in support of downward variance outlined in 11(c)(1)(C) agreement; does not believe assets (cars) are worth pursuing for fine. Defense counsel addresses Court further re: imposition of a fine. Court accepts plea agreement - provides findings to support imposition of special conditions. Defense counsel requests payment of restitution not to commence until Defendant is released from custody.</p>		