AO 245B (Rev 09/11) Judgment in a Criminal Case
Sheet 1

FILED
MAY 31 2013
Clerk, U.S. District & Bankruptcy Courts for the District of Columbia

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA v. JESUS MANUEL NUNEZ	)	**JUDGMENT IN A CRIMINAL CASE** Case Number: CR 09-282- SEALED USM Number: 38772-007 EDWARD C. SUSSMAN, ESQUIRE Defendant's Attorney

THE DEFENDANT:

☑ pleaded guilty to count(s) ONE OF THE INDICTMENT

☐ pleaded nolo contendere to count(s) _____ which was accepted by the court.

☐ was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 USC § 841(a)(1) and 841(b)(1)(A)(iii)	UNLAWFUL DISTRIBUTION OF 50 GRAMS OR MORE OF COCAINE BASE	8/19/2009	1

The defendant is sentenced as provided in pages 2 through 5 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 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.

5/28/2013
Date of Imposition of Judgment

Signature of Judge

RICHARD W. ROBERTS US DISTRICT JUDGE
Name and Title of Judge

5-30-13
Date

(7)

DEFENDANT: JESUS MANUEL NUNEZ
CASE NUMBER: CR 09-282- SEALED

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

FORTY-TWO (42) MONTHS ON COUNT-1.

☐ 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

DEFENDANT: JESUS MANUEL NUNEZ
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :
FORTY-EIGHT (48) MONTHS ON COUNT-1.

The defendant must 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 unlawfully possess a controlled substance. 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 determined by the court.

☐ 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.)*

☑ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*

☑ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*

☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*

☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any 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 in a manner and frequency directed by the court or probation officer;
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; and
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: JESUS MANUEL NUNEZ
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ADDITIONAL SUPERVISED RELEASE TERMS

THE COURT FINDS THAT YOU DO NOT HAVE THE ABILITY TO PAY A FINE AND, THEREFORE, WAIVES IMPOSITION OF A FINE IN THIS CASE.

THE SPECIAL ASSESSMENT IS IMMEDIATELY PAYABLE TO THE CLERK OF THE COURT FOR THE U.S. DISTRICT COURT, DISTRICT OF COLUMBIA. WITHIN 30 DAYS OF ANY CHANGE OF ADDRESS, YOU SHALL NOTIFY THE CLERK OF THE COURT OF THE CHANGE UNTIL SUCH TIME AS THE FINANCIAL OBLIGATION IS PAID IN FULL. YOU SHALL MAKE PAYMENTS ON THE SPECIAL ASSESSMENT THROUGH YOUR PARTICIPATION IN THE BUREAU OF PRISONS' INMATE FINANCIAL RESPONSIBILITY PROGRAM.

WITHIN 72 HOURS OF YOUR RELEASE FROM CUSTODY, YOU SHALL REPORT IN PERSON TO THE PROBATION OFFICE IN THE DISTRICT TO WHICH YOU ARE RELEASED. WHILE ON SUPERVISION, YOU SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON, YOU SHALL NOT USE OR POSSESS AN ILLEGAL CONTROLLED SUBSTANCE, AND YOU SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME. YOU SHALL ALSO ABIDE BY THE GENERAL CONDITIONS OF SUPERVISION ADOPTED BY THE U.S. PROBATION OFFICE, AS WELL AS THE FOLLOWING SPECIAL CONDITIONS:

DNA SAMPLE REQUIREMENT - PURSUANT TO 42 USC §14135a, FOR ALL FELONY OFFENSES, THE DEFENDANT SHALL SUBMIT TO THE COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION WHILE INCARCERATED IN THE BUREAU OF PRISONS, OR AT THE DIRECTION OF THE U.S. PROBATION OFFICE.

SUBSTANCE ABUSE TREATMENT - YOU SHALL PARTICIPATE IN, AND SUCCESSFULLY COMPLETE, A RESIDENTIAL AND/OR OUT-PATIENT SUBSTANCE ABUSE TREATMENT PROGRAM, WHICH MAY INCLUDE DRUG TESTING AND DETOXIFICATION SERVICE, AS APPROVED AND DIRECTED BY THE PROBATION OFFICE.

WARRANT RESOLUTION - YOU SHALL RESOLVE ALL OUTSTANDING WARRANTS WITHIN 60 DAYS OF THE COMMENCEMENT OF SUPERVISION.

EDUCATION/VOCATIONAL TRAINING - YOU SHALL PARTICIPATE IN, AND SUCCESSFULLY COMPLETE, AN EDUCATION OR VOCATIONAL SKILLS TRAINING PROGRAM, AS APPROVED AND DIRECTED BY THE PROBATION OFFICE.

THE PROBATION OFFICE SHALL RELEASE THE PRESENTENCE INVESTIGATION REPORT TO ALL APPROPRIATE AGENCIES IN ORDER TO EXECUTE THE SENTENCE OF THE COURT. TREATMENT AGENCIES SHALL RETURN THE PRESENTENCE REPORT TO THE PROBATION OFFICE UPON THE DEFENDANT'S COMPLETION OR TERMINATION FROM TREATMENT.

NOTICE OF APPEAL - YOU HAVE THE RIGHT TO APPEAL THE SENTENCE IMPOSED BY THIS COURT. IF YOU CHOOSE TO APPEAL, YOU MUST FILE AN APPEAL WITHIN 14 DAYS AFTER THE COURT ENTERS JUDGMENT. IF YOU ARE UNABLE TO AFFORD THE COST OF AN APPEAL, YOU MAY REQUEST PERMISSION FROM THE COURT TO FILE AN APPEAL WITHOUT COST TO YOU.

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CRIMINAL MONETARY PENALTIES

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

	Assessment	Fine	Restitution
TOTALS	$ 100.00	$ 0.00	$ 0.00

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

☐ The defendant must 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.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage

TOTALS	$ 0.00	$ 0.00

☐ Restitution amount ordered pursuant to plea agreement $ _____

☐ The defendant must pay interest on restitution and a fine of 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.