

**FILED**

**NOV 27 2013**

**UNITED STATES DISTRICT COURT**

District of Columbia

Clerk, U.S. District & Bankruptcy Courts for the District of Columbia

UNITED STATES OF AMERICA

v. ~~WATHEN~~

WALTER WAYNE ~~WATHEN~~ JR.

**JUDGMENT IN A CRIMINAL CASE**

Case Number: CR 13-238-01 (EGS)

USM Number: 32363-016

STEPHEN BRENNWALD/DARLENE SOLTYS (AUSA)

Defendant's Attorney

**THE DEFENDANT:**

pleaded guilty to count(s) 1 OF THE INFORMATION FILED ON 8/15/13

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:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 USC 841(a)(1) and (b)(1)(B)(i) and 846	Conspiracy to Distribute and Possess With Intent to Distribute 100 Grams of Heroin		1

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.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) In Criminal Case 12-253-12  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.

11/26/2013

Date of Imposition of Judgment

Signature of Judge

EMMET G. SULLIVAN

Name and Title of Judge

U.S. DISTRICT JUDGE

11/26/13

Date

DEFENDANT: WALTER WAYNE ~~WATTHEN~~ <sup>WATHEN</sup> JR.  
CASE NUMBER: CR 13-238-01 (EGS)

### IMPRISONMENT

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

Time Served as to 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: WALTER WAYNE ~~WATHE~~<sup>WATHEN</sup> JR.  
CASE NUMBER: CR 13-238-01 (EGS)

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :  
Five (5) Years as to 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: WALTER WAYNE ~~WATTHEN~~ <sup>WATHEN</sup> JR.  
CASE NUMBER: CR 13-238-01 (EGS)

### **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.

You shall report in person to the probation office in the district to which you are released by November 27, 2013 by 5:00PM.. 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:

Defendant is to check himself into Avery Road, an inpatient substance abuse treatment program for residents of Montgomery County, Maryland, or another similar inpatient treatment program as approved and directed by the 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.

Educational/Vocational Training - You shall participate in an educational/vocational skills training program as approved and directed by the Probation Office.

Consent Order Of Forfeiture - See Attached

Status Conference is set for January 10, 2014 at 11:00AM before Judge Sullivan in Courtroom 24A



DEFENDANT: WALTER WAYNE ~~WATTHEN~~ <sup>WATHEN</sup> JR.  
CASE NUMBER: CR 13-238-01 (EGS)

### SCHEDULE OF PAYMENTS

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

- A  Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance  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 at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:  
Special Assessment of \$100.00 is due during the period of supervised release.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during 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), Total Amount, 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.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : CRIMINAL NO. 13-238 (EGS)  
: :  
v. : :  
: :  
WALTER WAYNE WATHEN, Jr. :  
Defendant. :

CONSENT ORDER OF FORFEITURE

*WHEREAS*, the defendant has pled guilty to Count One of the Information, charging a violation of Title 21, United States Code, Section 846,

*WHEREAS*, the Information alleged that upon conviction of the offense of this offense, the defendant shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, the following property:

- a. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of this offense;
- b. any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of this offense; and
- c. a forfeiture money judgment;

*WHEREAS*, in his plea agreement, the defendant agreed to the forfeiture of the above property and the entry of a forfeiture money judgment

*WHEREAS*, pursuant to Fed. R. Crim. P. 32.2(b)(1), this Court determines, based on the plea agreement and evidence set forth during the defendant's plea hearing, that the above property is subject to forfeiture pursuant to Title 18, United States Code, Section 853, and that the Government has established the requisite nexus between the above property and the offense to which he pled guilty;

*WHEREAS*, pursuant to Fed. R. Crim. P. 32.2(b)(1)(A), this Court determines, based on the evidence set forth during the defendant's plea hearing, that entry of a forfeiture money judgment in the amount of \$5,000.00 against the defendant is appropriate, insofar as this property is subject to forfeiture pursuant to Title 18, United States Code, Section 853, and that the Government has established the requisite connection between this judgment and the offense to which he pled guilty;

*WHEREAS*, upon entry of a forfeiture order, Fed. R. Crim. P. 32.2(b)(3) authorizes the Attorney General or a designee to conduct any discovery the Court considers proper in identifying, locating, or disposing of property subject to forfeiture;

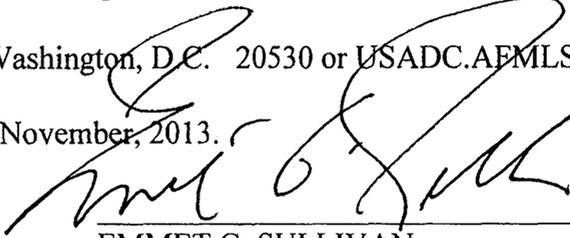
***NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:***

1. That the following property is declared forfeited to the United States, pursuant to Title 21, United States Code, Section 853:
  - a. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of this offense;
  - b. any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of this offense; and
  - c. a forfeiture money judgment in the amount of \$5,000.
2. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.
3. Pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing, and shall be made part of the sentence and included in the judgment.
4. The Attorney General or a designee, pursuant to Fed. R. Crim. P. 32.2(b)(3), is

authorized to conduct any discovery to identify, locate, or dispose of property subject to this Order.

5. The Clerk of the Court shall forward four (4) certified copies of this Order to Assistant United States Attorney Zia M. Faruqi, Asset Forfeiture and Money Laundering Section, 555 Fourth Street, N.W., 4th Floor, Washington, D.C. 20530 or USADC.AEMLS2@usdoj.gov.

Dated this 26<sup>th</sup> day of November, 2013.

  
\_\_\_\_\_  
EMMET G. SULLIVAN  
UNITED STATES DISTRICT JUDGE

WE ASK FOR THIS:

/s/ Ronald C. Machen Jr  
RONALD C. MACHEN JR., D.C. Bar No. 447889  
United States Attorney

BY: Darlene M Soltys  
Darlene M. Soltys  
Assistant United States Attorney  
Bar. No. 431-036  
Violent Crime and Narcotics Trafficking Section  
555 4<sup>th</sup> Street, N.W.,  
Washington, D.C. 20530  
(202) 252-7685  
Darlene.Soltys@usdoj.gov

Walter Wayne Wathen, Jr.  
Walter Wayne Wathen, Jr.

Stephen Brennwald  
Stephen Brennwald, Esq.  
Counsel for defendant