UNITED STATES DISTRICT COURT

Northern District of West Virginia

UNITED STATES OF AMERICA
v.
AARON RILEY, a/k/a/ "FRESH"

Judgment in a Criminal Case
(For **Revocation** of Probation or Supervised Release)

Case No. 2:04cr11

USM No. 40970-050

L. Richard Walker, Assistant Federal Public Defender
Defendant's Attorney

THE DEFENDANT:

☑ admitted guilt to violation of condition(s) Mand., Std. 5,7,11 & Special of the term of supervision.

☐ was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number	Nature of Violation	Violation Ended
1	Mandatory Condition that the defendant not commit another federal, state, or local crime.	10/17/2008
2	Mandatory Condition that the defendant shall not possess a firearm, ammunition, destructive device or other weapon	10/17/2008

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 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.

Last Four Digits of Defendant's Soc. Sec. No.: 1727

Defendant's Year of Birth: 1973

City and State of Defendant's Residence:
Belington, WV

05/14/2009
Date of Imposition of Judgment

Signature of Judge

Honorable John Preston Bailey Chief US Dist Judge
Name and Title of Judge

5.15.2009
Date

DEFENDANT: AARON RILEY, a/k/a/ "FRESH"
CASE NUMBER: 2:04cr11

ADDITIONAL VIOLATIONS

Violation Number	Nature of Violation	Violation Concluded
3	Standard Condition 5: the defendant shall work regularly at a lawful occupation unless excused by the probation officer for acceptable reasons	10/17/2008
4	Standard Condition 7: defendant shall refrain from excessive use of alcohol	10/17/2008
5	Standard Condition 11: defendant shall notify probation officer within 72 hours of being arrested or questioned by a law enforcement officer.	10/17/2008
6	Special Condition that the defendant shall immediately begin making fine or resitution payments of $50 a month.	10/17/2008

DEFENDANT: AARON RILEY, a/k/a/ "FRESH"
CASE NUMBER: 2:04cr11

IMPRISONMENT

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

Twelve (12) months and one (1) day.

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

1. The Defendant be released to a halfway house if and when Defendant is deemed eligible for such release.
2. The Defendant be credited with time served from January 15, 2009.
3. The Defendant be left in the regional jail if appropriate. If not appropriate, that the Defendant be designated to a facility located in or as close to West Virginia as possible, but the Court prefers not Hazelton.

☑ 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 _____

at _____ with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: AARON RILEY, a/k/a/ "FRESH"
CASE NUMBER: 2:04cr11

CRIMINAL MONETARY PENALTIES

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

	Assessment	Fine	Restitution
TOTALS	$ 400.00	$ 2,400.00	$ 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 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.

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 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.

DEFENDANT: AARON RILEY, a/k/a/ "FRESH"
CASE NUMBER: 2:04cr11

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 $ _____ 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:

ALL CRIMINAL MONETARY PENALTY PAYMENTS ARE TO BE MADE TO THE CLERK, U.S. DISTRICT COURT, NORTHERN DISTRICT OF WEST VIRGINIA, P.O.BOX 1518, ELKINS, WEST VIRGINIA 26241.

The $400 special monetary assessment and the fine shall be due in full immediately.

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.