

United States District Court

District of New Mexico

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

02 AUG 13 PM 12: 57 *L*

ARNOLD JAMES BEGAY

(For Offenses Committed On or After November 1, 1987)

Case Number: **1:00CR01393-001LH**

Defense Attorney: **Troy Wayne Prichard (Appointed)**

THE DEFENDANT:

- pleaded guilty to count(s) 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.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2241(c) and 18 USC 2246(D)	Aggravated Sexual Abuse of a Child; Crime on an Indian Reservation, 18 USC 1153	12/25/1998	

The defendant is sentenced as provided in pages 1 through 4 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) _____ dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall 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.

Defendant's Soc. Sec. No.: 585-72-8225

Defendant's Date of Birth: October 6, 1970

Defendant's USM No.: 20079-051

Defendant's Residence Address: _____

July 16, 2002
Date of Imposition of Judgment

Bruce D. Black for
Signature of Judicial Officer

Honorable C. LeRoy Hansen
United States District Judge

Defendant's Mailing Address (if different from residence):

P.O. Box 7341

Shonto, Arizona 86054

Name & Title of Judicial Officer

8-7-02
Date

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 180 months.

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

Service of sentence at Federal Correctional Center Safford, Safford, Arizona, or another federal institution located in Arizona near the defendant's family.

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 U.S. Marshal

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years

The defendant shall 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 illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

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 directed by the probation officer.

The above drug testing condition is suspended based on the courts determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)

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

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below) . The defendant shall also comply with the additional conditions on the attached page (if indicated below).

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 and shall submit a truthful and complete written report within the first five days of each month;
- 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 ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 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;
- 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 and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

The defendant shall participate in a mental health program as directed and approved by the United States Probation Office.

The defendant shall immediately register as a sex offender at the Sheriff's Office or Police Department in the county of residence and provide verification to the probation officer.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant shall participate in sex offender treatment as directed by the probation officer and submit to risk assessment including physiological testing which may include but not limited to clinical polygraph or other specific sex offender tests. Sex offender assessment and treatment is to be conducted by a therapist(s) approval by the probation officer, who will release all reports to the probation officer, and to counsel for both parties.

The defendant shall not possess any sexually stimulating or sexually oriented material as deemed inappropriate by the probation officer and/or treatment staff, or patronize any place where such material or entertainment is available.

The defendant shall submit to search of person, property, vehicles, business, and residence to be conducted in a reasonable manner and at a reasonable time. This search will be conducted for the purpose of detecting sexually explicit material and will be at the direction of the probation officer.

The defendant shall not possess or use a computer with access to any on-line computer service at any location including employment, without the prior written approval of the United States Probation Office. This includes any Internet service provider, bulletin board system, or any other public or private computer network. The defendant shall consent to the United States Probation Office conducting periodic unannounced examination of his computer equipment which may also include retrieval and copying of all data from the defendant's computer.

The defendant shall not enter the premises, or loiter near where the victim resides, except under circumstances approved in advance and in writing by the probation officer.

The defendant shall not have direct or unsupervised contact with children under the age of eighteen (18) without prior written permission of the probation officer and shall report immediately to the probation officer any unauthorized contact with children.

The defendant is restricted from engaging in any occupation where the defendant has direct, unsupervised access to children without prior written approval of the probation officer.

The defendant shall not loiter within 100 feet of school yards, parks, playgrounds, arcades, or other places primarily used by children under the age of eighteen (18).

When volunteering for any activities in which adults supervise children, the defendant shall advise such organization or employer of his conviction as well as the probation officer.

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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments.

<input type="checkbox"/> Remitted	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ <u>100.00</u>	\$ _____	\$ _____

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A in full immediately; or
- B \$ _____ immediately, balance due (see special instructions regarding payment of criminal monetary penalties):

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

Criminal monetary penalties are to be made payable by cashier's check, bank or postal money order to the U. S. District Court Clerk, 333 Lomas Blvd. NW, Albuquerque, New Mexico 87102 unless otherwise noted by the court. Payments must include defendant's name, current address, case number and type of payment.

Pursuant to the Mandatory Victims Restitution Act, the Court finds that the victim, and the victim's family, in this case have not claimed any loss or restitution. Therefore, the Court will not order any restitution at this time.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States attorney.