

COURTROOM MINUTES OF CRIMINAL PROCEEDINGS  
Norfolk/Newport News Division

SENTENCING MINUTES

Set: 9:00 a.m.  
Started: 9:05 a.m.  
Ended: 11:20 a.m.

Date: November 2, 2012  
Judge: Arenda Allen  
Court Reporter: Tamora Tichenor  
U.S. Attorney: Robert Krask/John Zacharia  
Defense Counsel: Jennifer Stanton  
Courtroom Deputy: Lorraine Howard  
Probation Officer: Janice Hyatt

Case No. 2:12cr59-3  
Defendant: Willie O. Lambert

( ) in custody (X) on bond

- Came on for disposition.  Deft. sworn.  
 Govt/Deft's  motion for downward departure based on substantial assistance.  
 motion for one-level reduction in offense level.  
 Granted.  Denied.  
 The Court adopts the factual statements contained in the Presentence Report  
 Presentence Report reviewed  
 Evidence presented. (Witnesses and exhibits listed on last page)  
 Arguments of counsel heard.  Statement of deft. heard.

IMPRISONMENT:

SENTENCE: Count 1: The deft. shall be committed to the custody of the BOP to be imprisoned for a total term of 30 months.

The deft. is remanded to the custody of the U.S. Marshal.

The deft. shall surrender for service of the sentence at the institution designated by the BOP before 2:00 P.M. on December 3, 2012, as notified by the U.S. Marshal.

If deft. is unable to arrange transportation to the designated institution, the United States Marshal will arrange transportation for the defendant.

If the defendant is not notified by the United States Marshal of the institution designated, the defendant shall report to the United States Marshal as close to defendant's residence in Pennsylvania, by 2:00 P.M. on December 3, 2012, to begin service of the sentence.

PROBATION:

The deft. shall be placed on probation for a term of      years.

SUPERVISED RELEASE:

X Upon release from imprisonment, the deft. shall be on supervised release for a term of 3 years.

Standard Conditions of Supervised/Probation:

The defendant shall report in person 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.

While on supervised release, the defendant shall not commit another federal, state, or local crime.

While on supervised release, the defendant shall not illegally possess a controlled substance.

While on supervised release, the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

     The deft. shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter, as directed by the probation officer.

X As reflected in the presentence report, the deft. presents a low risk of future substance abuse and therefore, the court hereby suspends the mandatory condition for substance abuse testing as defined by 18 USC 3563 (a)(5). However, this does not preclude the U.S. Probation Office from administering drug tests as they deem appropriate.

     It shall be a condition of supervised release that the deft. 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.

Special Conditions of Supervised Release/Probation:

     The deft. shall participate in a program approved by the United States Probation Office for substance abuse, which program may include residential treatment and testing to determine whether the deft. has reverted to the use of drugs or alcohol, with partial costs to be paid by the deft., all as directed by the probation officer.

     The deft. shall waive all rights of confidentiality regarding substance abuse treatment in order to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

X The deft. shall participate in a program approved by the United States Probation Office for mental health treatment. The cost of this program is to be paid by the defendant as directed by the probation officer.

     The deft. shall pay support for his child/children in the amount ordered by any Division of Child Support Enforcement or court of competent jurisdiction. In the absence of such order, payments are to be made on a schedule to be determined by the court at the inception of supervision, based on the defendant's financial circumstances.

X The deft. shall apply all monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation, or in a lesser amount to be determined by the court, upon the recommendation of the probation officer.

The deft. shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

The deft. shall provide the probation officer access to any requested financial information.

The deft. shall not possess any electronic device with the capability of reproducing and distributing copies of copyrighted materials.

The defendant shall comply with the requirements of the computer monitoring program as administered by the probation office. The defendant shall consent to the installation of computer monitoring software on any computer to which the defendant has access. Installation shall be performed by the probation officer. The software may restrict and/or record any and all activity on the computer, including the capture of keystrokes, application information, internet use history, email correspondence, and chat conversations. A notice will be placed on the computer at the time of installation to warn others of the existence of the monitoring software. The defendant shall also notify others of the existence of the monitoring software. The defendant shall not remove, tamper with, reverse engineer, or in any way circumvent the software. The costs of the monitoring shall be paid by the defendant.

The defendant shall consent to the use of Wi-Fi detection devices, to allow the probation officer to detect the presence of wireless signals inside or outside the defendant's residence.

The defendant shall submit to polygraph testing as directed by the United States Probation Officer as part of his sex offender therapeutic program. The costs of the testing are to be paid by the defendant as directed by the probation officer.

Pursuant to the Adam Walsh Child Protection and Safety Act of 2006, the defendant shall submit to a search of his person, property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning unlawful conduct or a violation of a condition of supervision.

The defendant shall not possess or use a computer to access any online computer services at any location, including employment, without the prior approval of the probation officer. This includes any internet service providers, bulletin board systems, or any other public or private computer network.

The defendant shall have no contact with minors unless supervised by a competent, informed adult, approved in advance by the probation officer.

If recommended by the sex offender treatment provider, the defendant shall submit to penile plethysmograph testing, or a comparable test, as directed by the United States Probation Office as part of his sexual offender therapeutic treatment. The costs of the testing are to be paid by the defendant, as directed by the probation officer.

The defendant shall not utilize any sex-related adult telephone services, websites, or electronic bulletin boards. The defendant shall submit any records requested by the probation officer to verify compliance with this condition including, but not limited to, credit card bills, telephone bills, and cable/satellite television bills.

The defendant shall not accept any paid or volunteer positions involving children.

The defendant shall not have any access to or possess any pornographic material or pictures displaying nudity or any magazines using juvenile models or pictures of juveniles.

FINANCIAL PENALTIES

Court finds deft. is capable of paying a fine but elects not to impose a fine.

SPECIAL ASSESSMENT:

As to count 1, the deft. shall pay a special assessment in the amount of \$100.00.

As to count     , the deft. shall pay a special assessment in the amount of     .

As to count     , the deft. shall pay a special assessment in the amount of     .

As to count     , the deft. shall pay a special assessment in the amount of     .

The total special assessment due is \$100.00 and shall be due in full immediately.

FINE:

The deft. shall pay a fine in the amount of \$     .

RESTITUTION:

The deft. shall make restitution in the amount of \$ 449,514.16.

Restitution Judgment Order, entered and filed in open court.

SCHEDULE OF PAYMENTS:

Interest will not accrue if the special assessment/fine/restitution is paid in accordance with the schedule, or any modified schedule, set by this court.

The special assessment shall be due and payable immediately. Any balance remaining unpaid on the special assessment at the inception of supervision, shall be paid by the deft. in installments of not less than \$50.00 per month, until paid in full. Said payments shall commence 60 days after deft's supervision begins.

The restitution shall be due and payable immediately. Any balance remaining unpaid on the restitution at the inception of supervision, shall be paid by the deft. in installments of not less than \$150.00 per month, until paid in full. Said payments shall commence 60 days after deft's supervision begins.

At the time supervision commences, the probation officer shall take into consideration the defendant's economic status as it pertains to his ability to pay the special assessment/fine/restitution ordered and shall notify the court of any change that may need to be made to the payment schedule.

Each restitution payment shall be divided proportionately among the payees named.

Restitution shall be made jointly and severally with co-defendants/co-conspirators: Jeramiah E. Perkins, Docket Number 2:12cr59-001 and Gregory A. Cherwonik, Docket Number 2:12cr59-002

Nothing in the Court's order shall prohibit the collection of any judgment by the United States.

Any special assessment, restitution, or fine payments may be subject to penalties for default and delinquency.

\_\_\_\_ Since 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 are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

X The deft. 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.

X The deft. notified of right of appeal.

X Court noted that deft. waived right of appeal in plea agreement.

\_\_\_\_ On motion of gov't, remaining counts dismissed.

X The deft. is continued on present bond and cautioned re bail jumping.

X Court recommends incarceration at

X a facility as close to the defendant's hometown of Springbrook Township, Pennsylvania as possible.

\_\_\_\_ a facility with a drug treatment program when and if defendant qualifies.

\_\_\_\_ Consent Order of Forfeiture, executed and filed in open court.

**Additional Counts/Comments:**

**WITNESS LIST:**

**EXHIBIT LIST:**

G-1: Kevin Casey

G-1: Copy of Examination of Piracy

G-2: Joseph Clements

G-5: Copy of posting

D-1: Keith Lambert

G-6: Copies of letters

G-7: Copy of spreadsheets of MPAA

D-1: Copy of newspaper article