

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Certified as a true copy on  
This Date: \_\_\_\_\_  
By: \_\_\_\_\_  
( ) Clerk  
( ) Deputy

UNITED STATES OF AMERICA

Plaintiff

vs

Case No: CR-3-99-008(1)

INTERNATIONAL MATERIALS SOLUTIONS, INC.

Defendant

Roger Makely, Esq.  
Defendants Attorney

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed on or After 11/1/87)

THE DEFENDANT

- pled guilty to counts One (1) and Two (2)
- pled nolo contendere to count(s)  
which was accepted by the court.
- was found guilty on count(s)  
after a plea of not guilty.

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
OCT -1 11 AM 9:25  
RECEIVED

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date of Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. § 371	CONSPIRACY TO VIOLATE THE FOREIGN CORRUPT PRACTICES ACT	02-96	ONE (1)
15 U.S.C. § 78dd-2	FOREIGN CORRUPT PRACTICES ACT; MAKING A WRONGFUL PAYMENT TO A FOREIGN OFFICIAL	12-13-95	TWO (2)

The defendant is sentenced as provided in the following pages of this judgment. The Sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The Defendant has been found not guilty on counts(s)
- Count(s) (is)(are) 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: NONE

Defendant's Date of Birth: NONE

Defendant's U.S. Marshal No: NONE

Defendant's Mailing and Residence Address:

1241 MEADOWBRIDGE DRIVE  
BEAVERCREEK OH 45434

September 1, 1999  
Date Sentence Imposed

  
Signature of Judicial Officer

WALTER HERBERT RICE, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
Name & Title of Judicial Officer

## PROBATION

The defendant is hereby placed on probation for a term of One (1) year.

- X The defendant shall not commit another federal, state, or local crime.
- X The defendant shall not illegally possess nor use nor traffic in 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 placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- X 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 own, possess, use or traffic in a firearm or other dangerous weapon as defined in 18 U.S.C. Section 921.
- X If the judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.
- X The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with additional conditions.

## 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 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 or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
One (1)	\$200.00	\$500.00	
Two (2)	\$200.00	\$500.00	

If applicable, restitution amount ordered pursuant to plea agreement.....\$ \_\_\_\_\_

**Totals:** \$400.00 \$1,000.00 \$ \_\_\_\_\_

**FINE**

The above fine includes costs of incarceration and/or supervision in the amount of \$.

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. Section 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. Section 3612(g).

The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

- The interest requirement is waived.
- The interest requirement is modified as follows:

**SCHEDULE OF PAYMENTS**

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) costs 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 (in accordance with C, D, or E); or
- C  not later than \_\_\_\_\_; or
- D  in installments to commence \_\_\_\_\_ days after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E  in \_\_\_\_\_ (e.g. equal, weekly, monthly, quarterly) installments of \$\_\_\_\_\_ over a period of \_\_\_\_\_ years(s) to commence \_\_\_\_\_ days after the date of this judgment.

The National Fine Center will credit the defendant for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminally monetary penalties:

- The defendant shall pay the cost of prosecution.
- The defendant shall forfeit the defendant's interest in the following property to the United States:

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 are to be made to the United States Courts National Fine Center, Administrative Office of the United States Courts, Washington, DC 20544, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. If the National Fine Center is not operating in this district, all criminal monetary penalty payments are to be made as directed the court, the probation officer, or the United States attorney.

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**OR**

The court adopts the factual findings and guideline application in the presentence report except

**Guideline Range Determined by the Court:**

Total Offense Level: 13

Criminal History Category: None

Imprisonment Range: N/A to N/A months

Supervised Release Range: N/A to N/A years

Fine Range: \$ 102,883.20 to \$ 205,766.40

Fine waived or below the guideline range because of inability to pay.

Total Amount of Restitution: \$N/A

Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims, pursuant to 18 U.S.C. § 3663(d).

For offenses that require the total amount of loss to be stated, pursuant to Chapters 109A, 110, 110A and 113A of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.

Partial restitution is ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

**OR**

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

**OR**

The sentence departs from the guideline range:

upon motion of the government, as a result of defendant's substantial assistance.

for the following specific reason(s):