

USDC UT Approved 06/06/00 Revised 01/20/04

FILED

United States District Court  
District of Utah  
DISTRICT OF UTAH

UNITED STATES OF AMERICA

vs.

Andres Esquivel  
aka James A. Martinez

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)

Case Number: 2:03-CR-000293-001 TS

Plaintiff Attorney: Michelle Wickham

Defendant Attorney: Paul Gotay

Atty: CJA \_\_\_ Ret  FPD \_\_\_

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: 09/08/1970

01/21/2004  
Date of Imposition of Sentence

Defendant's USM No.: 10573-081

Defendant's Residence Address:  
4512 W. Windcrest Circle  
West Valley City, UT 84120  
Country USA

Defendant's Mailing Address:  
SAME  
Country \_\_\_\_\_

THE DEFENDANT:

- pleaded guilty to count(s)
- pleaded nolo contendere to count(s) which was accepted by the court.
- was found guilty on count(s)

COP 10/06/2003 Verdict \_\_\_\_\_

One of the Indictment

Title & Section  
18 USC § 924(a)(2)

Nature of Offense  
Felon in Possession of a Firearm

Count Number(s)

Entered on docket 1  
by:  
Deputy Clerk

- The defendant has been found not guilty on count(s) \_\_\_\_\_
- Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of 6 Months

Upon release from confinement, the defendant shall be placed on supervised release for a term of 36 Months

- The defendant is placed on Probation for a period of \_\_\_\_\_  
The defendant shall not illegally possess a controlled substance.

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*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.

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

**SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall serve 6 months on home detention as a condition of supervision. The defendant shall remain in his residence at all times, except for approved leave as deemed appropriate by the probation office.
2. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment under a co-payment plan, as directed by the USPO.
3. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
4. The defendant shall not possess or consume alcohol.

**CRIMINAL MONETARY PENALTIES**

**FINE**

The defendant shall pay a fine in the amount of \$ NONE , payable as follows:

- forthwith.
- in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- other:

The defendant shall pay interest on any fine 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. § 3612(f).

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- The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
  - The interest requirement is waived.
  - The interest requirement is modified as follows:

**RESTITUTION**

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
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Totals: \$ \_\_\_\_\_ \$ \_\_\_\_\_

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

- Restitution is payable as follows:
  - in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
  - other: \_\_\_\_\_

- The defendant having been convicted of an offense described in 18 U.S.C. §3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).
  - An Amended Judgment in a Criminal Case will be entered after such determination

**SPECIAL ASSESSMENT**

The defendant shall pay a special assessment in the amount of \$ 100.00 , payable as follows:

- forthwith.
- \_\_\_\_\_

**IT IS 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

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**PRESENTENCE REPORT/OBJECTIONS**

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

**DEPARTURE**

The Court grant the Motion for Departure pursuant to 18 U.S.C.3553(c)(2), the Court enters its reasons for departure:

**RECOMMENDATION**

Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

\_\_\_\_\_

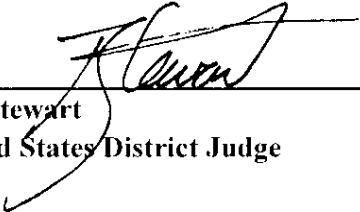
**CUSTODY/SURRENDER**

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 \_\_\_\_\_ on \_\_\_\_\_.

The defendant shall report to the institution designated by the Bureau of Prisons by \_\_\_\_\_ Institution's local time, on \_\_\_\_\_.

DATE: 1/22/04

  
\_\_\_\_\_  
Ted Stewart  
United States District Judge

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**RETURN**

I have executed this judgment as follows:

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

jmr

United States District Court  
for the  
District of Utah  
January 23, 2004

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cr-00293

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

USMS  
DISTRICT OF UTAH  
,  
JFAX 9,5244048

Mr. Paul Gotay, Esq.  
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