MINUTES OF CRIMINAL PROCEEDINGS
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

vs.

Anthony J. Davian

JUDGE PATRICIA A. GAUGHAN
DATE.: November 24, 2014
CASE NO.: 5:14CR81-001
COURT REPORTER: Sarah Nageotte

United States Attorney: Christos Georgalis & Matthew Cronin
Attorney for Defendant: Paul F. Adamson Retained (✔) CJA ( ) FD ( )
Probation Officer: Anna Newman
Interpreter:

( ) **DEFENDANT ARRAIGNED.**

Plea of ( ) GUILTY ( ) NOT GUILTY ( ) NOLO CONTENDERE entered to count(s) _____ of the ( ) INDICTMENT ( ) INFORMATION.

Bond $_____ ( ) SET; ( ) CONTINUED; ( ) COMMITTED; ( ) DETAINED
( ) Defendant waives reading of indictment.
( ) Waiver of indictment executed.
( ) Pretrial set for _____

( ) **DEFENDANT'S PLEA OF NOT GUILTY WITHDRAWN.**

Plea of ( ) GUILTY ( ) NOLO CONTENDERE entered to count(s) ____ of the ( )INDICTMENT ( ) INFORMATION.
( ) Referred to Probation for Presentence Report.
( ) Plea agreement executed between parties.
( ) Sentencing set for _____

(✔) **DEFENDANT SENTENCED.**

(✔) Committed to the custody of the Bureau of Prisons for a period **57** months as to Counts **1 - 14** of the Information to run CONCURRENT**.**
( ) Defendant given credit for time served.
(✔) Period of **3** years of SUPERVISED RELEASE with standard/special conditions as ordered. (See reverse side)
( ) Period of _____ year of PROBATION on Count 1 of the Supplemental Information, with standard/special conditions as ordered. (See reverse side)
(✔) Pursuant to 18:3013 USC, Defendant is to pay a SPECIAL ASSESSMENT of $ 100.00 as to each of count(s) 1 - 14 for a total of $ 1,400.00 .
( ) Upon motion of the AUSA, count____ is dismissed.
(✔) Execution of the sentence deferred and the bond continued. Defendant shall report to the designated institution upon notification by the Bureau of Prisons or the U.S. Marshal's Office.
(✔) The Court recommends placement at **FMC Butner**.

STANDARD/SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

( ) Defendant to perform _____ hours of community service work.

( ) Defendant is to reside in a Community Treatment Center for a period of _____ months to commence on the date and time as directed by the pretrial services and probation officer, and observe the rules of that facility.

( ) Defendant shall participate in the Location Monitoring Program for a period of _____ months, beginning 30 days from release from custody. Defendant will be required to remain in her place of residence, unless given written permission in advance by the Probation Officer to be elsewhere. (Work/Medical/ Religious Services release privileges granted). Location monitoring technology at the discretion of the officer.

( ) Defendant may participate in the Discretionary Leave Program.

( ) Defendant shall pay the cost of the Location Monitoring Program.

(✔) Defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol.

(✔) Defendant shall submit to one drug test within 15 days of the commencement of supervised release and to at least two periodic drug tests thereafter as directed by the probation officer**.**

( ) Defendant shall participate in an outpatient mental health treatment program as directed by the Probation Officer.

(✔) Defendant shall not incur new credit charges or open additional lines of credit without the approval of the Probation Officer (unless the defendant is in compliance with the payment schedule).

(✔) Defendant shall provide the Probation Office access to any requested financial information.

(✔) Defendant shall report in person to the U.S. Probation Office in the district to which the defendant is released, within 72 hours of release from the custody of the Bureau of Prisons.

( ) Defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release/probation.

(✔) Defendant shall not possess a firearm or destructive device.

(✔) Defendant shall submit to a warrantless search.

(✔) Defendant shall cooperate with the collection of DNA.

(✔) Defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.

( ) Defendant shall pay the imposed FINE of $_____ at a rate not less than $_____ every _____ months.

(✔) Fine NOT ordered due to defendant's inability to pay.

(✔) Defendant shall make RESTITUTION to **SEE JUDGMENT FOR LIST OF VICTIMS** in the total amount of $ **1,787,679.62** pursuant to 18:3579/18:3663. **The Court will reduce the amount after a value is determined of the assessments recovered by the Government.**

(✔) Payments shall be made through the BOP's Inmate Financial Responsibility Program at a rate of **25 %** gross monthly income. Any unpaid amount upon release from prison, shall be made at a minimum rate of not less than **10 %** gross monthly income to commence within 60 days of release.

OR

( ) Payments shall be made at a minimum rate of not less than **10 %** gross monthly income, to commence within 60 days.

( ) Defendant shall enter an adult program and work toward a Certificate of General Educational Development (GED) at the discretion of the U.S. Pretrial Services and Probation Officer.

COMMENTS:

Time: 1.5 hrs.

/s/ Patricia A. Gaughan
Patricia A. Gaughan, U.S. District Judge

Def. Exh. A- Four Page Declaration of Luz M. Agular from SEC
Def. Exh. B- Hard copy of the PowerPoint Slide Presentation (Loss Calculations)