

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

v.

Case No. 15-00199-01-CR-W-SWH

TERRY LEE WHETSTONE

AUSA: Roseann Ketchmark
Defense Atty.: William H. Ermine

JUDGE:	Sarah W. Hays U. S. Magistrate Judge	DATE/TIME:	9/9/2015 11:30am-12:05pm
DEPUTY CLERK	Traci Chorny	TAPE/REPORTER	FTR/tc
INTERPRETER	None	PRETRIAL/PROB:	Tanis Humig

Clerk's Minutes

CHANGE OF PLEA
WITH SENTENCING

CHANGE OF PLEA: Parties present in person and with counsel. Defendant entered a plea of guilty to Count one of the information.

- (x) Defendant, in writing, waived his right to be tried before a United States District Judge and consented to be tried before a United States Magistrate Judge.
- (x) Count one of the information was read to the defendant and the defendant was informed of the maximum punishment.
- (x) Defendant sworn.
- (x) Defendant questioned by the Court regarding physical and mental condition.
- (x) Defendant advised of rights, waiver of rights by a guilty plea and maximum penalty.
- (x) Plea agreement filed.
- (x) Court finds defendant's plea is free & voluntary; factual basis presented.
- (x) Court will not order a Pre-sentence Investigation Report.
- (x) Terms and conditions of present bond continued.

Defendant entered a plea of guilty to Count one of the information. The knowing, voluntary, and factual basis for such plea was ascertained by direct inquiry of the defendant in accordance with Rule 11, Federal Rules of Criminal Procedure, and the plea of guilty to each count was accepted.

SENTENCING:

Pursuant to Rule 11(c)(1)(C), the Court imposes sentence as follows:

The defendant will be placed on probation for a term of three years. The defendant agrees to the following four special conditions of probation:

- 1) that the defendant not sell art during his term of probation unless the defendant assertively advises the purchaser that the defendant is not a member of an Indian tribe,
- 2) that any of the defendant's printed materials promoting his work must carry the Indian Arts and Crafts Act, PL 101-644 notice during the term of the defendant's probation,
- 3) that the defendant inactivate the terrywhetstone.com website, and refrain from advertising or promoting his artwork in any fashion during the term of probation, and
- 4) that the defendant not perform flute music publically during the term of probation unless the defendant assertively gives notice to the audience that he is not a member of an Indian tribe.

Mandatory and Standard conditions of release imposed, however, the court will waive mandatory drug testing.

Mandatory special assessment of \$25.00 imposed. No fine or restitution. Defendant is advised of his limited rights to appeal.

Court adjourned.