

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA**

| | | |
|-------------------------|---|------------------------------------|
| U.S.A., |) | |
| |) | Case No. CR 14-10-JHP |
| |) | |
| v |) | Date: 4/9/2015 |
| |) | Time: <u>2:08 p.m. - 2:58 p.m.</u> |
| ROBERT DEWAYNE GIFFORD, |) | <u>3:37 p.m. - 3:51 p.m.</u> |
| Defendant(s). |) | |

MINUTE SHEET - SENTENCING

James H. Payne, District Judge

M.Huckabee, Law Clerk
C.Trzcinski, Deputy Clerk

K.Sidwell, Reporter
FTR - Courtroom 1

Counsel for Plaintiff: Douglas A. Horn and Christopher J. Wilson, AUSA's
Counsel for Defendant: Stephen J. Knorr, Appointed

[X] Defendant appears in person with counsel ☐ Counsel waived ☐ Contested ☐ Uncontested
[X] Plaintiff & Defendant reviewed PSI: ☐ Objections by: ☐ Pltf ☐ Deft [X] No Objections [X] Court adopts
[X] PSI will form factual basis for sentencing

Government's Motion for Additional One Point Reduction - GRANTED
Defendant's Motion for Sentencing Variance - DENIED

[X] Defendant and counsel asked if they care to say anything before sentence is pronounced
☐ Statements by Government in aggravation/mitigation of punishment
[X] Statements by defendant's counsel
[X] Statements by defendant

SENTENCE: As to Count 1 of the Information:

[X] Bureau of Prisons for a term of 48 months [X] Concurrent ☐ Consecutive
[X] Supervised Release for a term of 2 years [X] Concurrent ☐ Consecutive

SENTENCE: As to Count 2 of the Information:

[X] Bureau of Prisons for a term of 48 months [X] Concurrent ☐ Consecutive
[X] Supervised Release for a term of 2 years [X] Concurrent ☐ Consecutive

☐ Fine: \$ _____ ☐ with interest ☐ interest waived

[X] Restitution: \$345,000.00 ☐ with interest [X] interest waived

Defendant shall pay total restitution in the amount of \$345,000.00. Said Restitution is ordered to be paid joint and several between defendant and the applicable related defendants in this case. Restitution is payable as set out in the Presentence Report. The restitution shall be paid through the United States Court Clerk for the Eastern District of Oklahoma, and is due immediately. If defendant's financial condition does not allow for immediate payment, the restitution is to be paid in monthly installments of not less than \$300.00, beginning not less than 60 days after your release from incarceration. Notwithstanding establishment of a payment schedule, nothing shall prohibit the United States from executing or levying upon non-exempt property of the defendant discovered before or after the date of this judgment. In the event defendant receives any federal or state income tax refund during the period of supervision, defendant shall pay 100% of the total refund toward said restitution. Due to defendant's projected earning ability, the Court has determined to waive any interest pending payment in full.

[X] Special Assessment: \$ 200.00 [X] due immediately

[X] **STANDARD CONDITIONS** given, including the following special conditions:

[X] Deft shall, at the direction of the Probation Officer, cooperate with and submit to collection of a DNA sample for the submission to the Combined DNA Index System

[X] REASONS FOR IMPOSING SENTENCE given by Court

[X] Defendant advised of right to appeal ☐ Defendant gives oral notice of appeal

[X] **Counsel is directed to file a notice of appeal or an affidavit, signed by counsel and defendant, within 14 days after judgment is entered advising the Court that counsel has consulted with defendant and he/she advised counsel they do not wish to perfect an appeal.**

[X] Court makes the following recommendations to BOP: [X] designate a facility: El Reno, OK, to facilitate family contact.

[X] Deft to self surrender to the U.S. Marshal's Office in ED/OK by noon on: 5/25/2015.