

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA

U.S.A.,)
)
 Plaintiff(s)) Case No. CR 16-16-HP
)
 v.) Date: 9/12/2016
) Time: 2:34 p.m. - 2:54 p.m.
 CHARLES BLAIR SMALLWOOD,)
)
 Defendant(s).)

MINUTE SHEET - SENTENCING

James H. Payne, District Judge M. Sabo, Law Clerk K. Sidwell, Reporter
C. Trzcinski, Deputy Clerk FTR - Courtroom 1

Counsel for Plaintiff: Kristin Harrington, AUSA
Counsel for Defendant: James G. Wilcoxon, Retained

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

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

SENTENCE: As to Count 1 of the Indictment:
 Probation for a term of 4 years Concurrent Consecutive

Fine: \$
 Restitution: \$24,916.12 with interest interest waived
Defendant shall pay restitution in the total amount of \$24,916.12. Restitution is payable as set out in the Presentence Report. Restitution is to be made payable to the United States Court Clerk for the Eastern District of Oklahoma and is due and payable 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 \$500.00. Payments shall begin no later than November 12, 2016. 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 that may accrue pending payment in full. 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.

Special Assessment: \$100.00 due immediately

STANDARD CONDITIONS given, including the following special conditions:
1. Defendant shall spend not less than six months under home detention, restricting defendant to his residence except for employment purposes, religious services on Sundays, and other short periods of time away from defendant's home as determined and approved by the Probation Officer. In the event of a medical emergency, the emergency should be dealt with and the Probation Office notified as soon as possible. The use of an electronic monitoring device to monitor defendant's compliance is at the discretion of the U.S. Probation Office. Payment of any costs associated with the use of such device shall be the responsibility of the defendant.
2. Defendant shall participate in a program approved by the United States Probation Office for the treatment of narcotic addiction, drug dependency, or alcohol dependency, which will include testing to determine if defendant has reverted to the use of drugs or alcohol and may include outpatient treatment.

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3. Defendant shall participate in a mental health treatment program approved by and as directed by the United States Probation Office. Defendant shall comply with all treatment directives, including the taking of prescription medications as directed by a mental health professional. Defendant shall remain in mental health treatment until released by the treatment staff and the United States Probation Officer and remain in the treatment facility until successfully discharged.

4. Defendant is prohibited from loitering about or entering any dwelling or enterprise whose primary business purpose is gambling or offering games of chance. Further, defendant is prohibited from engaging, directly or indirectly, in any form of gambling or game of chance. Defendant shall sign a state-wide self-exclusion form for casinos within the State of Oklahoma or the state in which defendant resides. If it is determined by the Probation Officer that defendant has an addiction to gambling, defendant shall successfully participate in a treatment program to address gambling addiction until such time as defendant is released from the program by the Probation Officer.

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

REASONS FOR IMPOSING SENTENCE given by Court

Defendant advised of right to appeal Defendant gives oral notice of appeal

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.