

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED
AUG 04 2017

CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES LEO CUMMINGS,

Defendant.

5:17-CR-50100

ORDER OF ADJUDICATION

This matter came before the court for a change of plea hearing on August 4, 2017. The Defendant, Charles Leo Cummings, appeared in person and by his counsel, while the United States appeared by its Assistant United States Attorney.

The defendant consented in open court to the change of plea before a United States magistrate judge. This court finds that the defendant's consent was voluntary and upon the advice of counsel. The government also consented to the plea hearing and sentencing before a magistrate judge.

Defendant has reached a plea agreement wherein he intends to plead guilty to the Superseding Information, which charges him with Embezzlement and Theft From an Indian Tribal Organization, in violation of 18 U.S.C. § 1163. At the hearing, the defendant was advised of the nature of the charges to which the defendant would plead guilty and the maximum penalties applicable, specifically: 1 year in prison; \$100,000 fine; or both fine and imprisonment; 1

year of supervised release; 1 additional year imprisonment if supervised release is revoked; a \$25 special assessment and restitution.

Upon questioning the defendant personally in open court, it is the finding of the court that the defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges and the consequences of the plea, and that his plea of guilty to the Superseding Information is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. The defendant's guilty plea to the Superseding Information is accepted and the defendant is adjudged guilty of that offense.

DATED this 4th day of August, 2017

BY THE COURT:



DANETA WOLLMANN
United States Magistrate Judge