

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CASE NO: 8:04-CR-464-T-17TBM

DATE: February 23, 2006

HONORABLE ELIZABETH A. KOVACHEVICH

UNITED STATES OF AMERICA

Jay Hoffer

Government Counsel

vs.

HOWARD MCCAULEY (Bond)
Defendant

Jack Fernandez, Retained
Defense Counsel

COURTRPTR/TAPE: SANDILEE

DEPUTY CLERK: CINDY LEIGH-MARTIN

TIME: 11:13-12:20

TOTAL: 1 Hour 7 Minutes

COURTROOM 17

CRIMINAL MINUTES - SENTENCING REFORM ACT MINUTES

- X Plea agreement and/or straight up plea is ratified and accepted.
- X Defendant is adjudged guilty on count(s) one of the Information
- X Court finds (X) grounds for guideline departure. Sentence imposed is adjusted (X) down from the guidelines.
- X Court finds that departure will not undermine the purposes of the statute.
- X Imprisonment: FIFTEEN (15) MONTHS as to count(s) of the Information with credit for time served to be calculated by the Bureau of Prisons.
- X The Court recommends confinement: Incarceration at Federal Camp at Coleman, FL, Jesup, GA or Saufley AFB, FL. Medical exam and provision for medicine and other appropriate assistance regarding eyes, dental, etc. Stress counseling. Business administration courses. Defendant has physical limitations bending and lifting.
- X Supervised release: THIRTY-SIX (36) MONTHS as to count(s) one
- X Fine: Waived
- X Special Assessment: \$100.00 As to count(s): one
- X Special conditions of (X) supervised release:

(X) The defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, acquisitions or obligating himself/herself for any major purchases without approval of the probation officer.

(X) The defendant shall provide the probation officer access to any requested financial information.

(X) The defendant shall fully cooperate with the Internal Revenue Service and in keeping with that cooperation provide the Internal Revenue Service with lawful tax returns for any previous year for which a lawful tax return has not been executed. Additionally, the defendant shall pay all outstanding taxes, interest and penalties relating to the offense of conviction. Furthermore, the defendant shall provide the probation officer with verification that the income tax obligations are being met to the fullest extent possible.

(X) The defendant shall cooperate in the collection of DNA as directed by the probation officer.

(X) The mandatory drug testing provisions are waived. However, the Court authorizes the probation officer to conduct random drug testing not to exceed 104 tests per year.

X Defendant is allowed to voluntarily surrender (at defendant's own expense) to the institution designated by the United States Bureau of Prisons at 12:00 noon on Tuesday, June 6, 2006. The defendant is directed to immediately proceed to the United States Marshal Service for processing and further reporting instructions.

X Defendant advised of right to appeal and to counsel on appeal.

X Notice concerning special assessment/fine/restitution payments furnished to counsel for defendant. Criminal appeals checklist furnished to counsel for defendant.

X Bond (X) continued () modified

X Government's motion for downward departure pursuant to 5K1.1 is GRANTED by the Court - Docket No. 33.

X Government's motion for reduction of sentence for timely notification of intent to enter a plea of guilty is GRANTED by the Court - Docket No. 32.

X Defendant's oral motion for downward departure pursuant to 18:USSC:3553(a)1-7 is DENIED by the Court.

X Counsel noted no objections to sentencing proceeding.

OTHER: Forfeiture language in J&C.

ADVISORY GUIDELINE RANGE DETERMINED BY THE COURT AT SENTENCING

Total Offense Level:	15
Criminal History Category:	I
Imprisonment Range:	18 to 24 months
Supervised Release Range:	2 to 3 years
Restitution:	\$ N/A
Fine Range:	\$4K to \$40K
Special Assessment:	\$100.00