

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

SENTENCING MINUTE SHEET

CR No.	06-538 JH	USA vs.	BUTTS
Date:	11/20/08	Name of Deft:	JOSEPH ALLEN BUTTS
Before the Honorable		JUDITH C. HERRERA	

Time In/Out:	3:31 P.M. - 3:42 P.M. (11 MINUTES)	Type of Proceeding:	SENTENCING - NON EVIDENTIARY
Clerk:	KRISTIN GARCIA	Court Reporter:	VANESSA ARRIETA
AUSA:	LUIS MARTINEZ	Defendant's Counsel:	BERNADETTE SEDILLO
Sentencing in:	LAS CRUCES, NEW MEXICO	Interpreter:	NONE
Probation Officer:	RENE PALOMARES/ MATTHEW SOLIS	Sworn?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Convicted on:	<input checked="" type="checkbox"/> Plea <input type="checkbox"/> Verdict	As to:	<input type="checkbox"/> Information <input checked="" type="checkbox"/> Superseding Indictment
If Plea:	<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Not Accepted	Adjudged/Found Guilty on Counts:	COUNT 1
Date of Plea/Verdict:	6/12/08	PSR:	<input checked="" type="checkbox"/> Not Disputed <input type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/> Court Adopts PSR Findings	Evidentiary Hearing:	<input checked="" type="checkbox"/> Not Needed <input type="checkbox"/> Needed
Exceptions to PSR:			

SENTENCE IMPOSED	Imprisonment (BOP): 533 Days or TIME SERVED
Supervised Release:	3 YEARS
Probation:	500-Hour Drug Program

SPECIAL CONDITIONS OF SUPERVISION			
	No re-entry without legal authorization		Home confinement for ___ months ___ days
	Comply with ICE laws and regulations		Community service for ___ months ___ days
	ICE to begin removal immediately or during sentence		Reside halfway house ___ months ___ days
<input checked="" type="checkbox"/>	Participate in substance abuse program/drug testing		Register as sex offender
	Participate in mental health program		Participate in sex offender treatment program
<input checked="" type="checkbox"/>	No alcohol/liquor establishments		Possess no sexual material
<input checked="" type="checkbox"/>	Submit to search of person/property		No computer with access to online services
<input checked="" type="checkbox"/>	No contact with victim(s) and/or co-Def't(s)		No contact with children under 18 years
	No entering, or loitering near, victim's residence		No volunteering where children supervised
	Provide financial information		Restricted from occupation with access to children
	Grant limited waiver of confidentiality		No loitering within 100 feet of school yards
<input checked="" type="checkbox"/>	OTHER: Standard Conditions: DEFENDANT WILL SUBMIT TO DNA COLLECTION & DEFENDANT SHALL NOT POSSESS FIREARMS, ETC.		

Fine:	\$	0	Restitution:	\$	
SPA:	\$	100.00 (\$100 as to each Count)	Payment Schedule:	<input checked="" type="checkbox"/>	Due Immediately <input type="checkbox"/> Waived
OTHER:					

<input checked="" type="checkbox"/>	Advised of Right to Appeal		Waived Appeal Rights per Plea Agreement
	Held in Custody	<input checked="" type="checkbox"/>	Voluntary Surrender
Recommended place(s) of incarceration:			
Dismissed Counts:			

OTHER COMMENTS	DEFENSE COUNSEL ADDRESSES COURT, REQUESTS A SENTENCE OF TIME SERVED BASED ON DEFENDANT'S TIME OF INCARCERATION BEFORE HE WAS RELEASED ON BOND (22 MONTHS); AUSA MARTINEZ AND USPO PALOMARES DO NO OBJECT TO A SENTENCE OF TIME SERVED; <u>COURT RULING: GRANTS VARIANCE BASED ON 18 USC 3553 (a)(1) FACTORS;</u> COURT NOTIFIES DEFENDANT THAT HE MUST REPORT TO THE USMS OFFICE IMMEDIATELY AFTER SENTENCING.
----------------	---