

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

Case No.: 8:07-cr-105-T-30EAJ Date: December 6, 2007

U.S.A. vs. Nancy Montgomery Ware

Honorable James S. Moody, Jr. Interpreter: N/A
Language: _____

Court Reporter: Sherrill Jackson Courtroom Deputy: Sara Boswell

Time: 9:45 a.m. - 12:05 p.m. Total: 2 hours and 20 minutes Probation Officer: Cheryl Roggensack in for Valerie Diaz

Attorney(s) for Government: _____ Attorney(s) for Defendant: _____
Rachelle DesVaux Bedke _____ Patrick Doherty _____

CRIMINAL MINUTES - SENTENCING REFORM ACT SENTENCING

- Plea agreement is ratified and accepted.
- Defendant's witnesses in mitigation of sentence: Marie Montgomery, Donald Steiner and Richard White
- Defendant is adjudged guilty on counts ONE, TWO, THREE, FOUR and FIVE of the Indictment
- Court finds () grounds () no grounds for guideline departure.
- Sentence imposed is adjusted () up () down from guidelines.
- Court finds that departure will not undermine the purposes of the statute.
- Imprisonment: 33 months (total); 33 months on each of Counts One and Two and terms of 12 months on each of Counts Three, Four and Five, all such terms to run concurrently
- The Court recommends confinement at: FCI Coleman (FL)
- Probation: _____
- Supervised Release: 3 years (total); 3 years as to Counts One and Two and a 1 year term as to Counts Three, Four and Five, all such terms to run concurrently.
- Fine: \$25,000 shall be paid within one (1) year after the defendant's release from prison
- Restitution: \$362,212.24 (Defendant has already paid the full amount to the IRS.)
- Special Assessment: \$275.00 To be paid (X) immediately (X) _____

X Special Conditions of ()probation (X)supervised release are:

(X) Defendant shall participate as directed in a program of mental health treatment (outpatient and/or inpatient) and follow the probation officer's instructions regarding the implementation of this court directive. Further, the defendant shall be required to contribute to the costs of services for such treatment not to exceed an amount determined reasonable by the Probation Officer based on ability to pay or availability of third party payment and in conformance with the Probation Office's Sliding Scale for Mental Health Treatment Services.

(X) The defendant shall provide the probation officer access to any requested financial information as long as there is any fine amount not paid.

(X) The mandatory drug testing provisions pursuant to the Violent Crime Control Act are waived. However, the Court orders random drug testing not to exceed 104 tests per year.

- _____ Defendant is remanded to custody of U.S. Marshal.
- X Defendant to surrender to (X)designated institution ()U.S. Marshal
()at _____ ()on _____ ()before _____
(X) as notified by U.S. Marshal ()as notified by probation officer.
- _____ Count _____ of the indictment dismissed on motion
by Govt.
- X Defendant advised of right to appeal and to counsel on appeal.
- _____ Bond ()continued ()modified _____
- X Notice Concerning Appeals From Criminal Conviction furnished to:
(X)counsel for Defendant ()Defendant
- X Defendant states that she will file a notice of appeal.

Other: Mr. Doherty requests that the defendant be allowed to remain out on bond pending the resolution of the appeal. Request denied.

GUIDELINE RANGE DETERMINED BY THE COURT AT SENTENCING:

Total Offense Level: 20

Criminal History Category: I

Imprisonment Range: 33 to 41 months

Supervised Release Range: 2 to 3 years as Counts 1 and 2; 1 year as to Counts 3,4, and 5

Fine Range: \$ 7,500 to \$ 175,000

Restitution: \$ 362,212.24