

**COPY**

UNITED STATES DISTRICT COURT

OCT 22 2013

District of Idaho Filed Time

UNITED STATES OF AMERICA

V.

Adrian Lamont Gunn

aka Lamont Gunn, Andre Guinn, Andre Gilmore

Date of Original Judgment: 06/10/2010

(Or Date of Last Amended Judgment)

Reason for Amendment:

- Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
- Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

SECOND AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 1:09CR00168-BLW-001

USM Number: 13192-023

Philip Gordon

Defendant's Attorney

- Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
- Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(e)(1))
- Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- Direct Motion to District Court Pursuant  28 U.S.C. § 2255 or  18 U.S.C. § 3559(c)(7)
- Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

pleaded guilty to count(s) 1 and 7 of the Indictment

pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 § 1028A	Aggravated Identity Theft	December 2007	1
18 § 1029(a)(1)	Fraud in Connection with Access Devices	11/09/2007	7

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) 2-6 and 8-17  is  are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

06/25/2010

Date of Imposition of Judgment

Signature of Judge

B. Lynn Winmill, United States District Judge

Name and Title of Judge

Date

Certified a true copy of an instrument on file in my office on 5/9/22 Clerk, U.S. District Court, Northern District of Texas  
By [Signature] Deputy

DEFENDANT: Adrian Lamont Gunn, aka Lamont Gunn, Andre Guinn, Andre Gilmore  
CASE NUMBER: 1:09CR00168-BLW-001

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term 24 months on Count 1 and 37 months on Count 7 to be served consecutively for a total term of 61 months. This term of imprisonment shall run consecutively to the term of imprisonment in case H0301437 in the Fourth Judicial District Court, County of Ada.

Defendant shall submit to DNA collection while incarcerated by the Bureau of Prisons or, absent collection while imprisoned, then at the direction of the U.S. Probation Officer upon release.

X The court makes the following recommendations to the Bureau of Prisons: that the defendant be credited with time served exclusively in Federal custody, and that the defendant be placed in a facility in Texas.

X The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows: Fully

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on 10-9-13 to FCC Beaumont

a Bart: TX with a certified copy of this judgment.

C.V. Rivera Warden  
UNITED STATES MARSHAL

By [Signature]  
DEPUTY UNITED STATES MARSHAL

RECEIVED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
NOV 21 PM 2:19  
BOISE, IDAHO

DEFENDANT: Adrian Lamont Gunn, aka Lamont Gunn, Andre Guinn, Andre Gilmore  
CASE NUMBER: 1:09CR00168-BLW-001

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 1 year on Count 1 and 3 years on Count 7, to be served consecutively for a total term of 4 years.

Court finds that the defendant does not pose a high risk of future substance abuse such that mandatory drug testing is waived pursuant to 18 U.S.C. § 3563(a)(5) or 18 U.S.C. § 3583(d).

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance.

- X The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- X The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- X The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

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### SPECIAL CONDITIONS OF SUPERVISION

- 1) Defendant shall not unlawfully possess a controlled substance.
- 2) Defendant shall submit nominal monthly payments of 10% of gross income, but not less than \$25 per month, during the term of supervised release, towards any special assessment and restitution that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release. This payment schedule will be in effect unless further reviewed by the Court. A review may take place at any time and will be based upon a change in the Defendant's financial circumstances.
- 3) Defendant shall provide the Probation Officer with access to any requested financial information.
- 4) Defendant shall not incur new credit card charges or open additional lines of credit without the approval of the Probation Officer.
- 5) Defendant shall submit to a search of his person, place of residence, or automobile at the direction of the U.S. Probation Officer and submit to seizure of any contraband found therein.
- 6) Defendant shall not possess or use any means of identification that is not his own. Defendant shall not use aliases. Defendant shall only use the name on his birth certificate.
- 7) Defendant shall not be employed in any capacity where he has access to the personal information of others nor shall Defendant perform any unpaid or volunteer activities which may provide such access during the term of supervised release without the permission of the Probation Officer.
- 8) Defendant shall only possess a checking account or credit cards with approval of the Probation Officer.

Special conditions of supervised release shall supersede any standard condition that is inconsistent with the special conditions.

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**CRIMINAL MONETARY PENALTIES**

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 200.00	\$ waived	\$ 265,322.18***

- The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
*** Chase Card Services Attn: Restitution Payments PO Box 2003 Elgin, Illinois 60121-2003 Acct: 4312281000061789		\$16,822.18	
Citibank Credit Card Services Attn: Fraud Investigations 14700 Citicorp Drive Building 2, First Floor Hagerstown, Maryland 21742 Acct: 5560430044260230		\$16,180.77	
US Bank 1515 S. Orchard Street Boise, ID 83705		\$5,000.00	
KW		\$40,000.00	
<b>TOTALS</b>	\$ _____	\$ 265,322.18	

- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
  - the interest requirement is waived for  fine  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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**ADDITIONAL RESTITUTION PAYEES**

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
CitiMortgage Fraud Prevention & Investigation 1000 Technology Drive Mail Stop 367 O'Fallon, Missouri 63368 Loan #2005001636		\$3,819.23	
Capital One Bank Specialty Investigations PO Box 85582 Richmond, Virginia 23260 Accts: #4802137033774128 #5178057285540352 #4802137071911046		\$4,984.36	
Capital One Auto Finance 5960 West Parker Road, Suite 278 PMB 234 Plano, Texas 75093 Acct: 00062062179632701001		\$17,015.64	
American Express 888 S. Figueroa St., Suite 1770 Los Angeles, California 90017 Dkt. No: 09CR000168		\$70,000.00	
Restitution Department Discover Financial Services LLC PO Box 15048 Wilmington, Delaware 19850-5048 RE: 6011 3985 0469 8566		\$2,500.00	
Sterling Savings Bank 111 N. Wall Department 919 Spokane, Washington 99201 Loan #770905455		\$14,000.00	
First Tennessee Bank Corporate Security Department-CT5 300 Court Avenue Memphis, Tennessee 38103 Attn: Corporate Security Manager Ref: #2008014966		\$75,000.00	

\* Findings for the total amount of losses are required by Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A  Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due  
 not later than \_\_\_\_\_, or  
 in accordance with  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

\*\*\*\$200.00 special assessment and \$265,322.18 restitution are due immediately. Payments to be made to Clerk of the Court, District of Idaho, 550 W. Fort St., Boise, ID 83724. Defendant shall submit nominal payments of not less than \$25 per quarter through the Inmate Financial Responsibility Program. Defendant shall submit nominal monthly payments of 10% gross income, but not less than \$25 per month, during the term of supervised release, towards any special assessment and restitution that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release. Clerk shall disburse restitution payments to the victims.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.