

United States District Court

Western District Of Wisconsin

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE
(for offenses committed on or after November 1, 1987)

V.

Case Number: 07-CR-127-C-01

ROBERT J. HINTERBERG

Defendant's Attorney: Michael Lieberman

The defendant, Robert J. Hinterberg, pleaded guilty to count 1 of the indictment.

ACCORDINGLY, the court has adjudicated defendant guilty of the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. § 2252(a)(4)(B)	Sexual Exploitation of Minors; a Class C Felony	July 10, 2007	1

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.

IT IS FURTHER ORDERED that the defendant shall 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 shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Defendant's Date of Birth: January 22, 1956

Defendant's USM No.: 06503-090

Defendant's Residence Address: 1634 Drury Avenue
Eau Claire, WI 54703

Defendant's Mailing Address: Columbia County Jail
403 Jackson Street
Portage, WI 53901

February 26, 2008

Date of Imposition of Judgment

/s/ Barbara B. Crabb

Barbara B. Crabb
District Judge

February 27, 2008

Date Signed:

IMPRISONMENT

As to count 1 of the indictment, it is adjudged that defendant is committed to the custody of the Bureau of Prisons for imprisonment for a term of 97 months.

I recommend that he receive a pre-release placement in a correctional re-entry center with work release but without home confinement. I recommend that the Bureau of Prisons conduct a mental health evaluation specifically identifying defendant's sexual orientation and predatory risk and provide the results to the U.S. Probation Office in this district.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

Deputy Marshal

SUPERVISED RELEASE

The term of imprisonment is to be followed by a life term of supervised release subject to the standard conditions.

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

Defendant shall not commit another federal, state, or local crime.

Defendant shall not illegally possess a controlled substance.

If defendant has been convicted of a felony, defendant shall not possess a firearm, destructive device, or other dangerous weapon while on supervised release.

Defendant shall cooperate with the collection of DNA by the U.S. Justice Department and/or the U.S. Probation and Pretrial Services Office as required by Public Law 108-405.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Financial Penalties sheet of this judgment.

Defendant shall comply with the standard conditions that have been adopted by this court (set forth on the next page).

In light of nature of the offense and defendant's history of substance abuse, the following special conditions are appropriate. Defendant is to:

- (1) Spend the first 90 days in a residential re-entry center with work release privileges if he has not been granted pre-release community-based placement;
- (2) Provide the supervising probation officer advance notification of any computers, automated services or connected devices that he will use during the term of supervision. The probation office is authorized to install any application necessary on computers or connected devices owned or operated by defendant and shall randomly monitor those computers, connected devices and storage media. Defendant shall consent to unannounced examinations of any computer equipment owned or used by him, including but not limited to retrieval and copying of all data from the computers, connected devices, storage media and any internal or external peripherals and shall cooperate with the agents performing the examinations. These examinations may involve removal of equipment for the purpose of conducting a more thorough inspection;
- (3) Not possess any sexually explicit materials, including pictures, photographs, books, writings, drawings, videos, video games or child pornography as defined in 18 U.S.C. § 2256(8);
- (4) Not own, use or have access to the services of any commercial mail receiving agency or open or maintain a post office box without the prior approval of the supervising probation officer;
- (5) Not associate with or communicate orally, in writing, by telephone or electronic medium with any person under the age of 18 except with the express permission of the minor's parent or legal guardian and the supervising probation officer; this provision does not encompass persons under the age of 18, such as waiters, cashiers, ticket vendors, etc., with whom defendant must come in contact in order to obtain ordinary and usual commercial services;
- (6) Register with local law enforcement authorities and the state attorney general and comply with any local, state or federal sex offender registration requirements as directed by the supervising probation officer;
- (7) Submit his person, residence, office or vehicle to a search conducted by a U.S. probation officer at a reasonable time and in a reasonable manner whenever the probation officer has reasonable suspicion of contraband or of the violation of a condition of release; failure to submit to a search may be a ground for revocation; defendant shall warn any other residents that the premises he is occupying may be subject to searches pursuant to this condition;
- (8) Submit to electronic monitoring, via the use of Global Positioning System (GPS) monitoring or like technology, for a period of 365 days;
- (9) Undergo a psychosexual evaluation and participate in an outpatient sex offender counseling program if recommended

by the evaluator; the evaluation or counseling may involve use of polygraph and plethysmograph examinations; and

- (10) Abstain from the use of alcohol and illegal drugs and from association with drug users and sellers and participate in substance abuse treatment. Defendant shall submit to drug testing beginning within 15 days of release and 60 drug tests annually thereafter. The probation office may utilize the Administrative Office of the U.S. Courts' phased collection process.

STANDARD CONDITIONS OF SUPERVISION

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

CRIMINAL MONETARY PENALTIES

Defendant shall pay the following total financial penalties in accordance with the schedule of payments set forth below.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
1	\$100.00	\$0.00	\$0.00
Total	\$100.00	\$0.00	\$0.00

it is adjudged that defendant is to pay a \$100 criminal assessment penalty to the Clerk of Court for the Western District of Wisconsin immediately following sentencing.

Defendant does not have the means to pay a fine under § 5E1.2(c) without impairing his ability to support himself upon release.

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order:

- (1) assessment;
- (2) restitution;
- (3) fine principal;
- (4) cost of prosecution;
- (5) interest;
- (6) penalties.

The total fine and other monetary penalties shall be due in full immediately unless otherwise stated elsewhere.

Unless the court has expressly ordered otherwise in the special instructions above, if the judgment imposes a period of imprisonment, payment of monetary penalties shall be 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 court, unless otherwise directed by the court, the probation officer, or the United States Attorney.

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

In the event of a civil settlement between victim and defendant, defendant must provide evidence of such payments or settlement to the Court, U.S. Probation office, and U.S. Attorney's office so that defendant's account can be credited.