

# United States District Court

## Western District of Wisconsin

UNITED STATES OF AMERICA

**AMENDED JUDGMENT IN A CRIMINAL CASE**

(for offenses committed on or after November 1, 1987)

**RE-SENTENCING**

V.

**Case Number:** 12-CR-11-BBC-01

NICOLE GRIFFIN

**Defendant's Attorney:** Kelly Welsh

The defendant, Nicole Griffin, pleaded guilty to count 11 of the indictment.

Counts 1 through 10, and 12 through 19 were dismissed per the government's motion.

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

<b>Title &amp; Section</b>	<b>Nature of Offense</b>	<b>Date Offense Concluded</b>	<b>Count Number(s)</b>
18 U.S.C. §§ 1341 and 2	Mail Fraud, a Class C felony	June 22, 2007	11

The defendant is sentenced as provided in pages 2 through 6 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:** May 29, 1978  
**Defendant's USM No.:** 07616-090  
**Defendant's Residence Address:** 16372 Timbercrest Drive SE  
Prior Lake, MN 55372  
**Defendant's Mailing Address:** c/o Bureau of Prisons

April 12, 2013  
\_\_\_\_\_  
Date of Imposition of Judgment  
  
/s/  
\_\_\_\_\_  
Barbara B. Crabb  
District Judge  
  
April 16, 2013  
\_\_\_\_\_  
Date Signed:

## IMPRISONMENT

As to count 11 of the indictment, it is adjudged that defendant is committed to the custody of the Bureau of Prisons for a term of 20 months. I recommend that she be afforded prerelease placement in a residential reentry center with work release privileges.

In all other respects, the judgment remains as entered on October 24, 2012.

Defendant is neither a flight risk nor a danger to the community. Accordingly, execution of the sentence of imprisonment only is stayed until November 30, 2012, between the hours of noon and 2:00 p.m., when defendant is to report to an institution to be designated by further court order. The present release conditions are continued until November 30, 2012.

The U.S. Probation Office is to notify local law enforcement agencies, and the state attorney general, of defendant's release to the community.

## RETURN

**I have executed this judgment as follows:**

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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 three-year term of supervised release with 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 the nature of the offense and defendant's personal history, I adopt the special conditions proposed in the presentence report. Neither party has raised any objections to the proposals.

As special condition, defendant is to:

- 1) Refrain from incurring new credit charges, opening additional lines of credit or opening other financial accounts without the prior approval of the supervising U.S. probation officer;
- 2) Not transfer, give away, sell or otherwise convey any asset worth more than \$100 without the prior approval of the supervising U.S. probation officer;
- 3) File all tax returns in a timely manner and provide copies of all federal and state income tax returns to the supervising U.S. probation officer;
- 4) Submit her person, property, 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; the defendant shall warn any other residents that the premises she is occupying may be subject to searches pursuant to this condition; and
- 5) Abstain from the use of alcohol and illegal drugs and from association with drug users and sellers. The defendant shall submit to drug testing beginning within 15 days of her release and 60 drug tests annually thereafter. The probation office may utilize the Administrative Office of the U.S. Courts' phased collection process. (This condition supersedes standard condition number 7.)

### ACKNOWLEDGMENT OF CONDITIONS

I have read or have had read to me the conditions of supervision set forth in this judgment, and I fully understand them. I have been provided a copy of them. I understand that upon finding a violation of probation or supervised release, the Court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

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Defendant

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Date

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U.S. Probation Officer

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Date

## 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 in a manner and frequency directed by the court or probation officer;
- 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>
11	\$100.00	\$0.00	\$333,546.55
<b>Total</b>	\$100.00	\$0.00	\$333,546.55

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 her ability to support himself and her minor children upon her release from custody.

## RESTITUTION

Further, defendant is ordered to make restitution in the amount of \$333,546.55, which is due and payable immediately to the Clerk of Court for the Western District of Wisconsin, to be disbursed to:

U.S. Department of Education Receivables and Cash Receipt Room 4C-110 FOB6 400 Maryland Avenue, SW Washington, DC 20202	\$330,189.55
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Minnesota State Colleges & Universities Financial Aid 30 7 <sup>th</sup> Street East - Suite 350 St. Paul, MN 55101	\$3,357.00
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No interest is to accrue on the unpaid portion of the restitution obligation. Defendant's obligation is joint and several with that of her codefendants, Richard Griffin and Maria Hurt. Under 18 U.S.C. § 3664(f)(3)(B), defendant is to begin making nominal restitution payments of a minimum of \$100 each month within 30 days of her release from custody.

## **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.