

# United States District Court Eastern District of California

UNITED STATES OF AMERICA  
v.  
**GREG HERMAN**

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)  
Case Number: **2:11MJ00147-002**

Dustin Johnson  
Defendant's Attorney

**THE DEFENDANT:**

- pleaded guilty to count(s): 3.
- pleaded nolo contendere to counts(s) \_\_\_ which was accepted by the court.
- was found guilty on count(s) \_\_\_ after a plea of not guilty.

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

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
50 C.F.R. § 27.97	Conducting A Commercial Enterprise On A Notional Wildlife Refuge Without A Special Use Permit (Class B Misdemeanor)	October 2007 - January 2008 October 2008 - January 2009 October 2009 - January 2010	3

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on counts(s) \_\_\_ and is discharged as to such count(s).
- Count(s) 4 of the Information is dismissed on the motion of the United States.
- Indictment is to be dismissed by District Court on motion of the United States.
- Appeal rights given.  Appeal rights waived.

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 must notify the court and United States attorney of material changes in economic circumstances.

03/16/2012  
\_\_\_\_\_  
Date of Imposition of Judgment

  
\_\_\_\_\_  
Signature of Judicial Officer

**EDMUND F. BRENNAN**, United States Magistrate Judge  
\_\_\_\_\_  
Name & Title of Judicial Officer

March 26, 2012  
\_\_\_\_\_  
Date

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## COURT PROBATION

The defendant is hereby sentenced to Court probation for a term of 1 year.

### SPECIAL CONDITIONS OF PROBATION

1. The defendant shall pay a fine of \$1,500.00 within his term of probation.
2. The defendant shall pay a special assessment of \$10.00.
3. The defendant shall not purchase or have in his possession any California hunting licences for a period of one year.
4. The defendant shall not enter onto any of the following refuges for any purpose for a period of one year:
  - A. Upper Klamath Refuge
  - B. Klamath Marsh Refuge
  - C. Clear Lake Valley Refuge
  - D. Bear Valley Refuge
5. The Defendant shall not enter onto the following refuges for any purpose, for a period of one year except in connection with his work for Siskiyou County and in connection with farming his land located at the Tule Lake Refuge. And at no time shall engage in, or accompany others who are engaged in, activities that require an entry pass.
  - A. Lower Klamath Refuge
  - B. Tule Lake Refuge
6. The defendant shall not commit another federal, state, or local crime.
7. The defendant shall notify the United States Attorney's Office within seventy-two hours of being arrested.
8. The defendant shall notify the United States Attorney's Office ten days prior to any change in residence.

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### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 10.00	\$ 1,500.00	\$

The determination of restitution is deferred until \_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must 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>
<u>TOTALS:</u>	\$ ___	\$ ___	

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 the  fine  restitution

The interest requirement for the  fine  restitution is modified as follows:

If incarcerated, payment of the fine is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

If incarcerated, payment of restitution is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

\*\* 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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### SCHEDULE OF PAYMENTS

Payment of the total fine and other 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:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during 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), Total Amount, 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 costs of prosecution and court costs.