

## United States District Court

Northern District of Mississippi

FILED

JUN 2 - 2003

Arlen B. Coyle, Clerk  
By S. Adams Deputy

UNITED STATES OF AMERICA

v.

Case Number 3:03CR00009-003

MARIO DEVANT CHEERS  
Defendant.**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, MARIO DEVANT CHEERS, was represented by Mr. William F. Travis.

On motion of the United States, the court has dismissed the remaining counts of the indictment as to this defendant.

The defendant pleaded guilty to count(s) 1, 2, and 5 of the indictment filed on 1/16/03. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. § 2113(a) 2113(d) and 2	Armed Bank Robbery	12/11/02	1 and 5
18 U.S.C. § 924(c)(1)(A)(ii)	Brandishing a Firearm During and in Relation to a Crime of Violence	12/11/02	2

As pronounced on May 22, 2003, the defendant is sentenced as provided in pages 1 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$300, for count(s) 1, 2, and 5, which shall be due immediately. All criminal monetary penalties to include special assessments, fine, and/or restitution (including community restitution) shall be made to the Clerk, U.S. District Court, 911 Jackson Avenue, Room 369, Oxford, MS 38655. Payment shall be tendered in cash, postal money order, or certified bank check only. Personal checks will not be accepted.

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.

Signed this the 30<sup>th</sup> day of May, 2003.*Michael P. Mills*Michael P. Mills  
U.S. DISTRICT JUDGE

CRIMINAL JUDGMENT BOOK	BOOK <u>75</u>	PAGE(S) <u>106 - 112</u>
DATE: <u>6-3-03</u>		

Defendant's SSN: 414-19-7354

Defendant's Date of Birth: 3/10/71

Defendant's Mailing Address: c/o U.S. Marshal Service, Lafayette County Detention Center, 711 Jackson Avenue East, Oxford, MS 38655

Defendant's Residence Address: 2995 Lake Run Circle, Memphis, TN 38116

Defendant's USM No: 11716-042

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**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 403 months. This term consists of a term of 300 months on Count 1, a term of 84 months on Count 2, and a term of 19 months on Count 5, such terms to be served consecutively.

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

**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

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**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years. This term consists of terms of 5 years on each of Counts 1, 2, and 5, all such terms to run concurrently.

The defendant shall 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 illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

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)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Fine and Restitution sheet of the judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the 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 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) 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 10 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 such controlled substance, 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 by 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.
- 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 or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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### **SPECIAL CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this Judgment:

1. The defendant shall not possess a firearm or other destructive device.
2. The defendant shall participate in a program of testing and treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.
4. The defendant shall pay any restitution that is imposed by this judgment, and that remains unpaid at the commencement of the term of supervised release.
5. The defendant shall provide the probation officer with access to any requested financial information.
6. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule.
7. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

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**RESTITUTION**

The defendant shall make restitution to the following payees in the amount listed below:

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
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SEE ATTACHED PAGE

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

Payments to begin immediately in equal monthly installments while incarcerated. Any balance remaining upon release from incarceration shall be paid in equal monthly installments as determined by application of the criminal monetary payment schedule adopted by this court to the defendant's verified disposable monthly income. Such payments to commence 60 days upon release from incarceration to a term of supervised release.

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 above. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons Inmate Financial Responsibility Program, are made to the clerk of the 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.

The Court determines that the defendant does not have the ability to pay interest and therefore waives/modifies the interest requirement pursuant to 18 U.S.C. § 3612(f)(3).

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

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

Cheers, Mario Devant

Restitution

Restitution in the amount of \$5,607.90, shall be made directly to the United States District Court Clerks Office, Northern District of Mississippi, for disbursement to the victim(s):

Citizens Bank at Barton  
3441 Highway 309 North  
Byhalia, Mississippi 38611  
Attention: Branch Manager Jonathan Bridges  
Amount: \$13,990; one- third, \$4,663.33

Eunice and Arley Levitt  
Amount: \$800; one- third, \$266.66

Wyndell Vann  
Amount: \$1,873.94; one- third, \$624.64

Charles B. Tucker  
Amount: \$110; one-third, \$36.66

Tonya Robinson  
Amount: \$49.831; one-third, \$16.61

CERTIFYING STAMP

I hereby certify that the foregoing is a true copy of the original thereof now in my office.

Attest 6/3/03  
Arlen B. Doyle, Clerk

By J. Adams  
Deputy Clerk