

Named David Hinkson Unit 3-13  
Reg. No. 08795-023  
United States Penitentiary McCreary  
P.O. Box 1000  
Pine Knoll, NY 42635

08795-023  
Rudy Davis  
6065179619  
PO BOX 2088  
Fornely, TX 75126  
United States

*Rudy Davis*





Office of the Clerk  
**United States Court of Appeals for the Ninth Circuit**  
Post Office Box 193939  
San Francisco, California 94119-3939  
415-355-8000

Molly C. Dwyer  
Clerk of Court

June 14, 2018

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No.: 18-71748  
Short Title: David Hinkson v. USA

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Dear Petitioner/Counsel

This is to acknowledge receipt of your Application for Permission to File a Second or Successive Habeas Corpus Petition.

All subsequent letters and requests for information regarding this matter will be added to your file to be considered at the same time the cause is brought before the court.

The file number and the title of your case should be shown in the upper right corner of your letter to the clerk's office. All correspondence should be directed to the above address pursuant to Circuit Rule 25-1.

# Petition for Commutation of Sentence

Please read the accompanying instructions carefully before completing the application. Type or print the answers in ink. Each question must be answered fully, truthfully and accurately. If the space for any answer is insufficient, you may complete the answer on a separate sheet of paper and attach it to the petition. You may attach any additional documentation that you believe is relevant to your petition. The submission of any material, false information is punishable by up to five years' imprisonment and a fine of not more than \$250,000. 18 U.S.C. §§ 1001 and 3571.

Relief sought: (check one)

- Reduction of Prison Sentence Only       Reduction of Prison Sentence and Remission  
 Remission of Fine and/or Restitution Only       Other \_\_\_\_\_

To The President of the United States:

The undersigned petitioner, a Federal prisoner, prays for commutation of sentence and in support thereof states as follows:

1. Full name: David Roland Hinkson  
First Middle Last

Reg. No. 08795-023 Social Security No. 568-04-0625

Confined in the Federal Institution at USP McCreary, Pine Knot, Kentucky 42635

Date and place of birth: July 18, 1956

Are you a United States citizen?  yes  no

If you are not a U.S. citizen, indicate your country of citizenship

Have you ever applied for commutation of sentence before?  yes  no

If yes, state the date(s) on which you applied, and the date(s) when you were notified of the final decision on your petition(s).

Note: Petitioner submitted a request for legal assistance under the Clemency Project of 2014, but did not receive a response.

## Offense(s) For Which Commutation Is Sought

2. I was convicted on a plea of Not Guilty in the United States District Court  
(guilty, not guilty, nolo contendere)  
for the \_\_\_\_\_ District of Idaho of the crime of:  
(Northern, Western, etc.) (identify state)



**Offense(s) For Which Commutation Is Sought**

Have you filed a challenge to your conviction or sentence under 28 U.S.C. § 2255 (habeas corpus)?

yes  no

Is your challenge concluded?

yes  no

*If yes, indicate whether your motion was granted or denied, the date of the decision, and the citation(s) to any published court opinions, if known. Provide copies of any unpublished court decisions concerning such motions, if they are available to you. If you have filed more than one post-conviction motion, provide the requested information for each such motion.*

The Motion under 28 U.S.C. § 2255 was denied (unpublished) on \_\_\_\_\_

5. Provide a complete and detailed account of the offense for which you seek commutation, including the full extent of your involvement. If you need more space, you may complete your answer on a separate sheet of paper and attach it to the petition.

The Petitioner, David Roland Hinkson, was the owner and operator of the mineral-water bottling business WaterOz, located in Idaho County, Idaho. Elven Joe Swisher was an assayer, hired by Hinkson to test the business's products before being shipped to customers for human consumption. In approximately 2002/2003 Swisher attempted to extort Hinkson for \$500,000 and a share of Hinkson's business. Hinkson rejected Swisher's extortion attempt and Swisher threatened Hinkson with false criminal allegations. Hinkson again rejected the extortion attempt and Swisher did in fact falsely report to law enforcement that Hinkson had attempted to solicit him to murder three federal officials (i.e., a federal judge, prosecutor and IRS Agent associated with Hinkson's jury trial and prosecution for tax and structing offenses in case no. 3:02-cr-00142-RCT, U.S. District Court, District of Idaho).

Hinkson was charged, tried and convicted by a jury of three counts of solicitation to commit a crime of violence (18 U.S.C. § 373) based solely on the false testimony of Elven Joe Swisher. Specifically, Swisher presented himself at Hinkson's jury trial as a Korean War Veteran who had engaged



5. (Continued):

in combat, killed many people, and was awarded many military medals of honor, including a purple heart which Swisher wore on his lapel during his testimony at Hinkson's trial. He also waived in front of the jury during his testimony a forged DD-214 military form that purportedly proved he had been in combat in the Korean War and had been awarded the medals of honor, including the purple heart he displayed on his lapel for the jury to see.

Additionally, Swisher testified that Hinkson had investigated his military background and had therefore learned of his killing experience, and therefore, solicited him to murder the judge, prosecutor and IRS Agent associated with Hinkson's tax trial.

Hinkson testified at his jury trial that Elven Joe Swisher was a liar and that he had never attempted to solicit Swisher, or anyone else, to kill anyone.

Hinkson's father was not familiar with the criminal process. As such, he hired a [civil] attorney (Wesley Hoyt) to defend Hinkson at the criminal trial. Attorney Hoyt would later claim, in Hinkson's post-conviction habeas proceedings, that as a civil attorney he was incompetent trial lawyer for Hinkson and had made serious mistakes at trial including, among other things, he failed to report an ex-parte meeting he claimed to have witnessed between the government's key witness (Swisher) and the trial judge, that occurred during the jury trial process and in the judge's chambers.

Moreover, it was discovered during the trial that Elven Joe Swisher was a complete fraud and had in fact perpetrated crimes against Hinkson and the government prior to and during Hinkson's criminal jury trial as the government's key witness. Specifically, it was discovered that during the Korean War Swisher was only fourteen (14) years old, he had not served in combat in the Korean War, he had not killed anyone, and he

5. (Continued):

had not earned any medals of honor, including the purple heart he wore on his lapel while testifying against Hinkson at trial. Furthermore, Swisher had forged the DD-214 form that he had waived to the jury at Hinkson's trial.

The trial judge, however, arbitrarily ruled that Swisher's military file supported his testimony, and thus, refused to allow the defense to bring Swisher's perjury and crimes to the attention of the jury. As such, the jury convicted Hinkson based on Swisher's false testimony.

After the jury trial some of the jurors learned of Swisher's false testimony and crimes. One juror wrote in a sworn affidavit that had he known that the DD-214 form that Swisher waived before the jury was false, he would not have voted to convict Hinkson. See Attachment-B (Sworn Affidavit of trial juror). Thus, Hinkson would not have been convicted of the false 18 U.S.C. § 373 solicitation offenses without the false testimony of the government's only witness to these offenses (i.e., Elven Joe Swisher).

Further, after Hinkson's jury trial, the government, based on what was learned about Swisher during Hinkson's jury trial, charged, tried and convicted Swisher of offenses related to the very crimes he committed in Hinkson's trial. See United States v Swisher, Case No. Cr-07-182-S-BLW, United States District Court, District of Idaho and Montana.

While the government is certainly aware that the solicitation allegations of Swisher were plainly false, and further, that Swisher committed crimes prior to and while testifying at Hinkson's jury trial, it has done nothing to assist Hinkson in having his wrongful convictions and sentences vacated.

without Swisher the federal prosecutors could not have obtained these unlawful and unjust solicitation convictions against Hinkson. Moreover, there is a reasonable



5. (Continued):

probability in this case, based on both facts and evidence, that federal prosecutors were, or should have been aware at the time of Hinkson's criminal jury trial, that the criminal allegations against Hinkson were false, and that Swisher was committing crimes against the government and Hinkson in his illegal scheme and preparation of perjured testimony.

In sum, aside from Swisher's false testimony, there is absolutely [no] evidence to support the solicitation convictions against Hinkson.

The Innocent Project has shown the Country and the world that there are in fact many wrongfully convicted and innocent men in the American prison system. While Hinkson is one of those men, he does not qualify for Innocent Project assistance (i.e., his case does not involve DNA evidence that can exonerate him).

However, Hinkson does qualify for Presidential Clemency, and in the interest of justice, he should be granted clemency.

**Reasons for Seeking Clemency**

7. State your reasons for seeking commutation of sentence. If you need more space, you may complete your answer on a separate sheet of paper and attach it to the petition.

David Roland Hinkson is seeking Presidential Clemency because he is innocent of the three solicitation convictions under 18 U.S.C. § 373 and the three 18 U.S.C. § 3147 offenses for which he was sentenced to a total of 33-years imprisonment without the possibility of parole. Hinkson has already served his 10-years sentence for the tax/structuring convictions in case no. 3:02-cr-00142-RCT, and therefore, that conviction and/or sentence is not at issue here.

Today, Hinkson is 62 years old. For the reasons set forth in § 5 (a), (b) & (c) above, Hinkson respectfully asks the President of the United States, Mr. Donald Trump, for Presidential Clemency on his 33-year sentence.

**Certification and Personal Oath**

I hereby certify that all answers to the above questions and all statement contained herein are true and correct to the best of my knowledge, information, and belief. I understand that any intentional misstatements of material facts contained in this application form may cause adverse action on my petition for executive clemency and may subject me to criminal prosecution.

Respectfully submitted this 26 day of June, 2018.  
(month) (year)

  
Signature of Petitioner

ATTACHMENTS TO  
PETITION FOR COMMUTATION OF SENTENCE

- A. Amended Criminal Judgment (re: David Roland Hinkson).
- B. Sworn Affidavit of Ben Casey (Trial Juror).

A-3

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. CR-04-127-C-(RCT)
v.	)	
	)	Affidavit of Ben S. Casey
DAVID ROLAND HINKSON,	)	
	)	
Defendant.	)	

I, Ben S. Casey, of Caldwell, Idaho, a juror in the trial of the above case which took place January 10-27, 2005, upon oath, depose and state as follows:

1. I am over the age of eighteen years at the time of signing this Affidavit and I am qualified, competent and knowledgeable to provide the information set forth herein.

2. I am aware that the Headquarters of the U.S. Marine Corps considers the "replacement" DD 214 military record to be a forgery, which record was produced by prosecution witness Elven Joe Swisher (which he waved in front of the jury stating that it was a "certified copy.") I am also advised that Mr. Swisher did not participate in a secret mission, did not have combat experience and did not sustain injuries in Korea as he testified.

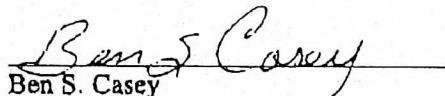
3. I was surprised that Mr. Swisher was allowed to tell such lies which created the misimpression that he would be a good "hit-man" candidate based on having been a decorated combat veteran and having participated in secret post-Korean War rescue operations. I am now informed such missions never occurred. These lies discredit him as a witness and therefore discredit the rest of his testimony.

4. I relied upon the credibility of Mr. Swisher when I cast my vote to convict Mr. Hinkson of Counts Seven, Eight and Nine.

5. If I had known that Mr. Swisher was not a credible witness as to his U.S. Marine Corps service in secret missions, or that he lied about having had combat experience, or that he was not entitled to wear a Purple Heart, or that the military record he waved in front of the jury as a "certified copy" of his DD 214 was a forgery, I would not have voted for a guilty verdict on Counts Seven, Eight and Nine.

FURTHER AFFLIANT SAYETH NAUGHT.

Signed and sworn to under penalty of perjury this 24 day of February 2005.

  
Ben S. Casey

Affidavit of Ben S. Casey

Page 1 of 1

ATTACHMENT A

A. Amended Criminal Judgment (re: David Roland Hinkson).

RECEIVED UNITED STATES DISTRICT COURT

U.S. MARSHAL'S SERVICE District of Idaho

UNITED STATES OF AMERICA V.

2005 JUN 13 PM 3:26

AMENDED JUDGMENT IN A CRIMINAL CASE

BOISE, IDAHO

DAVID ROLAND HINKSON

Case Number: 3:02-CR-00142-RCT 1:04-CR-00127-RCT

USM Number: 08795-023

Curtis Smith, Steven Anderson

Defendant's Attorney

Date of Original Judgment: June 3, 2005 (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)

- 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(c)(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 to 28 U.S.C. § 2255 or 18 U.S.C. § 3559(e)(7)
Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

X pleaded guilty to count(s) 17 and 26 of the Indictment in Case #3:02-CR-00142-RCT

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

X was found guilty on count(s) 1-3, 4-16, 31, 33-38, 40-42 of the Indictment in Case #3:02-CR-00142-RCT and counts 7, 8 and 9 of the Superseding Indictment in Case #1:04-CR-00127-RCT after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Lists various offenses such as Willful Failure to File Tax Return, Willful Failure to Collect Federal Taxes, Misbranded Drug, Adulterated Device, Structuring Transactions to Avoid Reporting Requirements and Aiding and Abetting, Solicitation to Commit a Crime of Violence.

The defendant is sentenced as provided in pages 2 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

X The defendant has been found not guilty on count(s) 4, 5, 6, 10 & #11 of the Superseding Indictment in Case #1:04-CR-00127-RCT. No verdict on counts 1, 2 & #3 of the Indictment in Case #1:04-CR-00127-RCT.

X Count(s) 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 32, and 39 in Case #3:02-CR-00142-RCT and counts 1, 2 & 3 in Case #1:04-CR-00127-RCT. is X 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.

June 3, 2005

Date of Imposition of Judgment

Richard C. Tallman (Signature)

Signature of Judge

Richard C. Tallman, United States Circuit Judge

Name and Title of Judge

6/13/05 Date

Certified to be a true and correct copy of original filed in my office.

Cameron S. Burke, Clerk United States Courts, District of Idaho

By: Deputy Dated

DEFENDANT: DAVID RONALD HINKSON  
CASE NUMBER: 3:02-CR-00142-RCT  
1:04-CR-00127-RCT

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 516 months. The total term in Case # 3:02-CR-00142-RCT consists of: terms of 12 months each on counts 1-3, 17 & 26; terms of 60 months each on counts 4-16; and terms of 120 months each on counts 31, 33-38, 40-42. All such terms in Case # 3:02-CR-00142-RCT shall be served concurrently with each other but consecutive to the imprisonment imposed in Case # 1:04-CR-00127-RCT. The total term in Case # 1:04-CR-00127-RCT consists of terms of 120 months each on counts 7, 8 and 9, which shall run consecutively to one another and consecutively to the criminal Case # 3:02-CR-00142-RCT. An additional 36 months shall run consecutively to counts 7, 8 and 9 pursuant to 18 U.S.C. § 3147. The total imprisonment term of 396 months imposed in Case # 1:04-CR-00127-RCT shall not begin to run until the Defendant has completed service of the total imprisonment term of 120 months imposed in Case # 3:02-CR-00142-RCT.

X The court makes the following recommendations to the Bureau of Prisons:  
That the defendant be credited with all time served, from the date of his arrest on April 4, 2003; and that the defendant be initially classified as a high risk inmate who refuses to comply with institutional security rules, who poses a continuing danger to witnesses and Federal officers, and who poses a risk of flight with access to money secreted in foreign bank accounts.  
The defendant is to be placed in the maximum security facility at Florence, Colorado.

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:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL  
By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL



DEFENDANT: DAVID RONALD HENKSON  
CASE NUMBER: 3:02-CR-00142-RCT  
1:04-CR-00127-RCT

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

a term of 1 year supervised release on counts 1-3, 17 & 26 in Case #3:02-CR-00142-RCT. 3 years supervised release on counts 4-16, 31, 33-38, 40-42 in Case #3:02-CR-00142-RCT. All such terms of supervised release to be served concurrently with one another.  
3 years supervised release on counts 7, 8 and 9 in Case #1:04-CR-00127-RCT. All such terms of supervised release to be served concurrently with one another and concurrently with the three year term of supervised release in Case #3:02-CR-00142-RCT.

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. 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 determined by the court.

- 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.)
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- 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.)

Because this judgment imposes a fine and restitution, it is a condition of supervised release that the defendant pay it 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 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.

DEFENDANT: DAVID RONALD HINKSON  
CASE NUMBER: 3:02-CR-00142-RCT  
1:04-CR-00127-RCT

### SPECIAL CONDITIONS OF SUPERVISION

- 1) Defendant shall comply with the rules and regulations of the Probation Department.
- 2) Defendant shall not possess a firearm or other dangerous weapon.
- 3) Defendant shall provide the probation officer with access to any requested financial information.
- 4) 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.
- 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) The defendant shall cooperate with the IRS in paying his back taxes owed. Also, he shall file any and all tax returns required by law and maintain compliance with all applicable tax laws and provide the probation officer with verification of his compliance.
- 7) Defendant shall participate in mental health counseling as directed by the U.S. Probation Officer. The costs of such treatment shall be paid by both the defendant and government based upon the defendant's ability to pay for treatment.
- 8) Defendant shall pay the special assessment, fine and the restitution obligation that is imposed by this judgment and any monies that remain unpaid at the commencement of the term of supervised release shall be made payable to the Clerk of the U.S. District Court, 550 W. Fort Street, MSC 039, Boise, Idaho, 83724. The defendant shall complete all financial payments no later than September 6, 2005.
- 9) Defendant, his agents, managers, officers, and responsible persons operating defendant's sole proprietorship under the name WaterOz, shall cooperate with the Food and Drug Administration in maintaining and insuring compliance by WaterOz with all Food and Drug Act laws and regulations.

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

DEFENDANT: DAVID RONALD HINKSON  
 CASE NUMBER: 3:02-CR-00142-RCT  
 1:04-CR-00127-RCT  
**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>
<b>TOTALS</b>	\$ 2,725.00	\$ 100,000.00	\$ 720.00

Special assessment \$2,425.00 is imposed on Case #3:02-CR-00142-RCT.  
 Special assessment \$300.00, Fine \$100,000.00, Restitution \$720.00 is imposed on Case #1:04-CR-00127-RCT.  
 The determination of restitution is deferred after such determination. An Amended Judgment in a Criminal Case (AO 245C) will be entered.

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.

The Court defers to the Internal Revenue Service Civil Division the collection of all back taxes, interest, and penalties owed by the defendant and his sole proprietorship WaterOz. Accordingly, the Court declines to order restitution of such losses in these criminal proceedings because the amounts owed are substantial and it would complicate and unduly prolong the sentencing process to fashion such an order where an alternative civil collection mechanism is readily available to the IRS. 18 U.S.C. § 3663(a)(1)(B)(ii).

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Steven Hines		\$720.00	100%

**TOTALS** \$ \_\_\_\_\_ \$ 720.00

- 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:

DEFENDANT: DAVID RONALD HINKSON  
CASE NUMBER: 3:02-CR-00142-RCT  
1:04-CR-00127-RCT

### SCHEDULE OF PAYMENTS

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

- A  Lump sum payment of \$ \$100,000 due immediately, balance due
  - not later than September 6, 2005, or
  - in accordance  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:  
 \$2,725.00 special assessment and \$720.00 restitution are due immediately. Payments to be made to Clerk of the Court, District Idaho, 550 W. Fort St., MSC 039, Boise, ID 83724. Clerk shall disburse restitution payments to the victim, IRS Special Agent Steven Hines.

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 of \$ 13,741.54, due on or before September 6, 2005.

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:

\$ 135,500.00 in U.S. currency as previously ordered by the Court on March 25, 2005, in Case Number 3:02-CR-00142-RCT.

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.

ATTACHMENT B

B. Sworn Affidavit of Ben Casey (Trial Juror).

## Authorization for Release of Information

Carefully read this authorization to release information about you, then complete, sign (in ink) and date.

I authorize any investigator, special agent, or other duly accredited representative of the Federal Bureau of Investigation, the Department of Defense, and any other authorized Federal agency, to obtain any information relating to my activities from schools, residential management agents, employers, criminal justice agencies, retail business establishments, courts, or other sources of information. This information may include, but is not limited to, my academic, residential, achievement, performance, attendance, disciplinary, employment history, criminal history, arrest, conviction, including the presentence investigation report, if any, medical, psychiatric/psychological, health care, and financial and credit information.

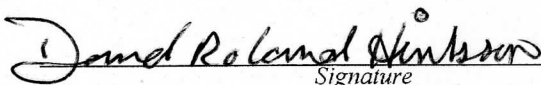
I understand that, for financial or lending institutions and certain other sources of information, a separate specific release may be needed (pursuant to their request or as may be required by law), and I may be contacted for such a release at a later date.

I further authorize the Federal Bureau of Investigation, the Department of Defense, and any other authorized Federal agency, to request criminal record information about me from criminal justice agencies for the purpose of determining my suitability for a government benefit.

I authorize custodians of records and sources of information pertaining to me to release such information upon request of the investigator, special agent, or other duly accredited representative of any Federal agency authorized above regardless of any previous agreement to the contrary. I understand that the information released by records custodians and sources of information is for official use by the Federal Government only for the purposes of processing my application for a government benefit, and may be redisclosed by the Government only as authorized by law.

Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for three (3) years from the date signed.

Full Name (type or print legibly) David Roland Hinkson		
Other Names Used		
Street Address P.O. Box 3000		
City Pine Knot	State KY	Zip Code 42635
Home Telephone Number (include area code)	Social Security Number	

  
Signature

6-26-2018  
Date Signed