

# UNITED STATES DISTRICT COURT

Western District of Washington

UNITED STATES OF AMERICA  
V.

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

MISIPATI SEMI BIRD,

Case Number: CR93-202S

(Name of Defendant)

Gilbert H. Levy

Defendant's Attorney

**JUL - 7 1993**

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

### THE DEFENDANT:

XXX pleaded guilty to count I of the Information BY \_\_\_\_\_  
was found guilty on count(s) \_\_\_\_\_ after  
a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s),  
which involved the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. § 2113(b)	Bank larceny	11/29/91	I

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 count(s) \_\_\_\_\_  
\_\_\_\_\_, and is discharged as to such count(s).  
\_\_\_\_\_ Count(s) I \_\_\_\_\_ are dismissed on the  
motion of the United States.

XXX It is ordered that the defendant shall pay a special assessment of  
\$26.00, for count I,  
which shall be due XXX immediately \_\_\_\_\_ as follows:

**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.

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's Mailing address: \_\_\_\_\_

Sunnyside, WA 98944

Defendant's Residence Address: \_\_\_\_\_

Sunnyside, WA 98944

Robert H. Westinghouse  
Assistant United States Attorney

July 1, 1993  
Date of Imposition of Sentence

Philip K. Sweigert  
Signature of Judicial Officer

PHILIP K. SWEIGERT  
United States Magistrate Judge  
Name & Title of Judicial Officer

7/1/93  
Date

*Handwritten notes in red ink on the left margin:*  
C.A. KALISH, USMO, USAP, PDS, K.L.

*Handwritten red mark:* 9

Defendant: MISIPATI SEMI BIRD  
 Case Number: CR93-202S

Judgment--Page 2 of 4

## PROBATION

The defendant is hereby placed on probation for a term of \_\_\_\_\_  
 TWO (2) YEARS

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device.\* The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

*\*except as required as condition of his employment*

SEE ATTACHED CONTINUATION SHEET.

## STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 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 within 72 hours of 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 narcotic or other controlled substance, or any paraphernalia related to such 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 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.

Probation Continuation Sheet:

The defendant shall not possess a firearm or destructive devise as forth in U.S.S.G. §5B1.4(b)(14).

The defendant shall pay a fine in the amount of FIVE HUNDRED DOLOLARS (\$500.00) as directed by the probation office and as set forth in U.S.S.G. §5B1.4(b)(16).

The defendant shall not incur any new credit card charges or open additional lines of credit without the approval of the probation office as set forth in U.S.S.G. §5B1.4(b)(17).

The defendant shall provide the probation office with access to any requested financial information, including authorization to conduct credit checks and obtain copies of Federal Income Tax Returns as set forth in U.S.S.G. §5B1.4(b)(18).

Defendant: MISIPATI SEMI BIRD  
Case Number: CR93-202R

Judgment--Page 4 of 4

**FINE**

The defendant shall pay a fine of \$ 500.00. The fine includes any costs of incarceration and/or supervision.

     This amount is the total of the fines imposed on individual counts, as follows:

     The court has determined that the defendant does not have the ability to pay interest. It is ordered that:

- The interest requirement is waived.
- The interest requirement is modified as follows:

This fine plus any interest required shall be paid:

- in full immediately.
- in full not later than \_\_\_\_\_.
- in equal monthly installments over a period of \_\_\_\_\_ months.  
The first payment is due on the date of this judgment.  
Subsequent payments are due monthly thereafter.

XXXX in installments according to the following schedule of payments:  
  
in such amounts and at such times as directed by the Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.



Judge Wilson

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 MISIPATI S. BIRD )  
 a/k/a MISIPATI B. LAVATIA, )  
 a/k/a M. SEMI BIRD, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

NO. CR93-202GW  
PLEA AGREEMENT

COME NOW the United States of America, by and through Susan L. Barnes, United States Attorney for the Western District of Washington, and Robert H. Westinghouse, Assistant United States Attorney for said District, and the defendant, MISIPATI S. BIRD a/k/a MISIPATI B. LAVATIA, M. SEMI BIRD, (hereinafter MISIPATI S. BIRD), by his attorney, Gilbert H. Levy, and enter the following agreement pursuant to Rule 11(e), of the Federal Rules of Criminal Procedure:

1. MISIPATI S. BIRD agrees to plead guilty to a one-count Information charging him with bank larceny, in violation of Title 18, United States Code, Section 2113(b). In this regard, the defendant understands that the maximum penalty which the Court

UNITED STATES ATTORNEY  
3600 Seafirst Fifth Avenue Plaza  
800 Fifth Avenue  
Seattle, Washington 98104  
(206) 553-7970

1 may impose upon his plea of guilty is imprisonment for a period  
2 not to exceed ONE (1) YEAR, a fine not to exceed One Hundred  
3 Thousand Dollars (\$100,000), or both. MISIPATI S. BIRD further  
4 understands that the Court must order him to pay a TWENTY-FIVE  
5 DOLLAR (\$25) penalty assessment. MISIPATI S. BIRD acknowledges  
6 that no promises of any type have been made to him with respect to  
7 the sentence in this matter.

8 2. MISIPATI S. BIRD understands that the sentencing  
9 guidelines promulgated by the United States Sentencing Commission  
10 are applicable to this case; that the Court will determine  
11 defendant's sentencing guideline range at the time of sentencing;  
12 that the Court may order a term of supervised release of ONE (1)  
13 YEAR; that the Court may depart from the sentencing guidelines  
14 under some circumstances.

15 3. MISIPATI S. BIRD agrees to make restitution to the U.S.  
16 Bank of Washington in the amount of One Thousand Nine Hundred  
17 Sixty-Three Dollars and Fifteen Cents (\$1,963.15) with credit for  
18 amounts previously paid or collected, pursuant to such terms and  
19 conditions as may be formulated by the United States Probation  
20 Office.

21 4. MISIPATI S. BIRD and the United States stipulate and  
22 agree that the amount of the loss/attempted loss figure that the  
23 Court should use in computing the applicable Sentencing Guideline  
24 range is One Thousand Nine Hundred Sixty-Three Dollars and Fifteen  
25 Cents (\$1,963.15).

26 5. The United States agrees not to bring any additional  
27 charges against MISIPATI S. BIRD based upon evidence in the  
28

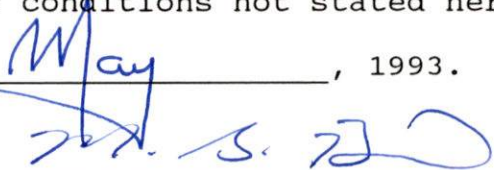
1 Government's possession at the time of this Agreement and arising  
2 out of his conduct in obtaining credit using the social security  
3 account number of his father, Misipati Bird Lavatai.


4 In this regard, MISIPATI S. BIRD recognizes that the  
5 United States has agreed not to include all of the criminal  
6 charges in the Information which are established by the evidence  
7 solely because of this Agreement and that if this Agreement is  
8 breached, the United States expressly retains the right to dismiss  
9 the Information without prejudice and to present to the Grand Jury  
10 for Indictment all of the criminal violations established by the  
11 evidence.

12 5. The United States expressly reserves the right to speak  
13 to the court at the time of sentencing pursuant to Rule 32(a)(1)  
14 of the Federal Rules of Criminal Procedure. The United States  
15 further reserves the right to provide to the Court and to the  
16 United States Probation Office a statement of facts relating to  
17 all of the criminal conduct for which MISIPATI S. BIRD was  
18 responsible.

1 The United States, MISIPATI S. BIRD, and his attorney  
2 acknowledge that the above-stated terms and conditions constitute  
3 the entire Plea Agreement between the parties and deny the  
4 existence of any other terms or conditions not stated herein.

5 DATED this 11th day of May, 1993.

6  
7   
8 MISIPATI S. BIRD  
9 a/k/a MISIPATI B. LAVATAI,  
10 a/k/a M. SEMI BIRD  
11 Defendant

12   
13 GILBERT H. LEVY  
14 Attorney for Defendant

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16 ROBERT H. WESTINGHOUSE  
17 Assistant United States Attorney



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AT SEATTLE  
CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 )  
 ) Plaintiff, )  
 )  
 ) v. )  
 )  
 ) MISIPATI S. BIRD, )  
 ) a/k/a MISIPATI B. LAVATAI, )  
 ) a/k/a M. SEMI BIRD, )  
 )  
 ) Defendant. )

NO. CR93-202 **SU**  
INFORMATION  
(MISDEMEANOR)

The United States Attorney charges that:


On or about November 29, 1991, at Seattle, within the Western District of Washington, MISIPATI S. BIRD, a/k/a MISIPATI B. LAVATAI, a/k/a M. SEMI BIRD, with intent to steal and purloin, did take and carry away from U.S. Bank of Washington, a bank the deposits of which were then insured by the Federal Deposit Insurance Corporation, money belonging to, and in the care and custody of, the bank, in that MISIPATI S. BIRD, a/k/a MISIPATI B. LAVATAI, a/k/a M. SEMI BIRD, falsely represented in the

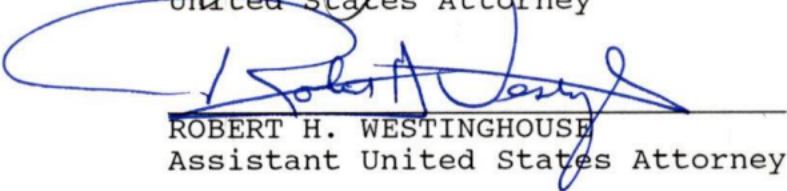
UNITED STATES ATTORNEY  
3600 Seafirst Fifth Avenue Plaza  
Seattle, WA 98104  
(206) 553-7970

1 application for a line of credit that his name was MISIPATI BIRD  
2 LAVATAI and that his social security account number was  
3 [REDACTED] a number which had been assigned by the Secretary of  
4 Health and Human Services to his father, Misipati Peletisara  
5 Lavatai; thereby receiving a line of credit from this bank.

6 All in violation of Title 18, United States Code,  
7 Section 2113(b).

8 DATED this 23rd day of April, 1993.

9   
10 MIKE MCKAY  
11 United States Attorney

12   
13 ROBERT H. WESTINGHOUSE  
14 Assistant United States Attorney

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