

Acknowledgment – Sentencing Options and Supervision Conditions

UNITED STATES DISTRICT COURT
District of New Hampshire

UNITED STATES OF AMERICA

v.

ACKNOWLEDGMENT

Heath Gauthier
Defendant

Case Number: 1:23CR00015-1-JL

I, Heath Gauthier, acknowledge that I have received, reviewed and understand the proposed Sentencing Options and Supervision Conditions filed by the U.S. Probation Office in this case.

Date:

6-28-24



Defendant



Defense Counsel

cc: Defendant
U.S. Attorney
U.S. Marshal
U.S. Probation
Defense Counsel

PROPOSED SENTENCING OPTIONS AND SUPERVISION CONDITIONS

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE
UNITED STATES V. HEATH GAUTHIER, DKT. 0102 1:23CR00015-001

TOTAL OFFENSE LEVEL 29
CRIMINAL HISTORY CATEGORY II

	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>	<u>Plea Agreement Provisions</u>
CUSTODY:	Cts. 2s & 4s: 0 years-20 years on each Ct. 7s: 2 years, consecutive to all other counts Ct. 10s: 10 years-20 years	120 months-121 months plus 2 years consecutive to Counts 2s, 4s and 10s (for a total <i>effective</i> range of 144-145 months)	145 months (binding stipulation)
SUPERVISED RELEASE:	Cts. 2s & 4s: 0 years-3 years Ct. 7s: 0 years-1 years Ct. 10s: 5 years-life	5 years-life	Not addressed
PROBATION:	Cts. 2s, 4s, 7s & 10s: Ineligible	Ineligible	Not recommended
FINE:	Cts. 2s & 4s: \$786,028 on each Cts. 7s & 10s: \$0-\$250,000	\$30,000-\$1,572,056 or twice the gross gain or loss	Not addressed
RESTITUTION:	Cts. 2s & 4s: <u>\$196,507</u> <u>Ct. 10:</u> \$6,000 (minimum required by statute) to \$10,000 (amount requested)	At least \$202,507 (minimum required by statute) to \$206,507 (amount requested)	At least \$202,507 (binding stipulation)
SPECIAL ASSESSMENT:	Cts. 2s, 4s, 7s & 10s: \$100, on each	Cts. 2s, 4s, 7s & 10s: \$100, on each	\$400
JVTA ASSESS.:	Ct. 10s: \$5,000 (unless indigent)	Ct. 10s: \$5,000 (unless indigent)	Not addressed
AVAA ASSESS.:	Ct. 10s: Not more than \$17,000	Not applicable	Not more than \$17,000

SUPERVISION:

While on supervision, you must comply with the following mandatory conditions:

You must not commit another federal, state, or local crime.

You must not unlawfully possess a controlled substance.

You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on supervision and at least two periodic drug tests thereafter, not to exceed 72 drug tests per year of supervision.

You must cooperate in the collection of DNA as directed by the probation officer.

You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense.

In addition, you must comply with the standard conditions that have been adopted by this Court as well as the following special conditions:

Substance Abuse Treatment, Testing, Abstinence

1. You must participate in a substance use treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay for the cost of treatment to the extent you are able, as determined by the probation officer.
1. STRICKEN - FOR REASONS STATED ON THE 6/28/2024 RECORD.
2. You must not use or possess any controlled substances without a valid prescription. If you do have a valid prescription, you must disclose the prescription information to the probation officer and follow the instructions on the prescription.
3. You must submit to substance abuse testing to determine if you have used a prohibited substance. You shall pay for the cost of testing to the extent you are able, as determined by the probation officer. You must not attempt to obstruct or tamper with the testing methods. 3. STICKEN - FOR REASONS STATED ON THE 6/28/2024 RECORD.
4. You must not use or possess alcohol.
5. You must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption, except with the prior approval of the probation officer.

Mental Health Treatment

6. You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment

provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay for the cost of treatment to the extent you are able, as determined by the probation officer.

Financial Requirements and Restrictions

7. You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the Financial Litigation Unit of the U.S. Attorney's Office.
8. You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer.
9. If the judgment imposes a financial penalty, you must pay the financial penalty in accordance with the Schedule of Payments sheet of this judgment. You must also notify the court of any changes in economic circumstances that might affect the ability to pay this financial penalty.

Association and Contact Restrictions

10. You must not have direct contact with any child you know or reasonably should know to be under the age of 18 without the permission of the probation officer. If you do have any direct contact with any child you know or reasonably should know to be under the age of 18 your own children, without the permission of the probation officer, you must report this contact to the probation officer within 24 hours. Direct contact includes written communication, in-person communication, or physical contact. Direct contact does not include incidental contact during ordinary daily activities in public places.

Place Restrictions

11. You must not go to, or remain at, any place where you know children under the age of 18 are likely to be, including parks, schools, playgrounds, and childcare facilities.

Search and Seizure

12. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

Restrictions on Viewing Sexually Explicit Materials

13. You must not view or possess any “visual depiction” (as defined in [18 U.S.C. § 2256](#)), including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of “sexually explicit conduct” (as defined in [18 U.S.C. § 2256](#)).

Sex Offense-Specific Assessment, Treatment, and Physiological Testing

14. You must participate in a sex offense-specific assessment. You must pay for the cost of the assessment the extent you are able, as determined by the probation officer.
15. You must participate in a sex offense-specific treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay for the cost of the program to the extent you are able, as determined by the probation officer.
16. You must participate in visual response testing as part of the required participation in a sex offense specific assessment and/or treatment.

Polygraph for Sex Offender Management

17. You must submit to periodic polygraph testing at the discretion of the probation officer as a means to ensure that you are in compliance with the requirements of your supervision or treatment program. You must pay for the cost of polygraph testing to the extent you are able, as determined by the probation officer. When submitting to a polygraph exam, you do not waive your Fifth Amendment rights, and your exercise of such rights will not give rise to a violation proceeding.

Computer and Internet Restrictions

18. You must not possess and/or use computers (as defined in [18 U.S.C. § 1030\(e\)\(1\)](#)) or other electronic communications or data storage devices or media except as approved in advance by the probation officer.
19. You must not access the Internet except for reasons approved in advance by the probation officer.
20. You must submit your computers (as defined in [18 U.S.C. § 1030\(e\)\(1\)](#)) or other electronic communications or data storage devices or media, to a search. You must warn any other people who use these computers or devices capable of accessing the Internet that the devices may be subject to searches pursuant to this condition. A probation officer may conduct a search pursuant to this condition only when reasonable suspicion exists that there is a violation of a condition of supervision and that the computer or device contains evidence of this violation. Any search will be conducted at a reasonable time and in a reasonable manner.

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21. You must allow the probation officer to install computer monitoring software on any computer (as defined in 18 U.S.C. § 1030(e)(1)) you use. You must pay for the cost of this monitoring software to the extent you are able, as determined by the probation officer.
22. To ensure compliance with the computer monitoring condition, you must allow the probation officer to conduct initial and periodic unannounced searches of any computers (as defined in 18 U.S.C. § 1030(e)(1)) subject to computer monitoring. These searches shall be conducted for the purposes of determining whether the computer contains any prohibited data prior to installation of the monitoring software; to determine whether the monitoring software is functioning effectively after its installation; and to determine whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition.

Respectfully submitted,

Kevin L. Lavigne
Chief U.S. Probation Officer

By: /s/ Sean P. Buckley
Sean P. Buckley
U.S. Probation Officer

Approved:

/s/ Laura M. Roffo
Laura M. Roffo
Supervising U.S. Probation Officer

06/14/2024
Date