

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:24-00114

GARY LOMAX

O R D E R

On the 6th day of August 2024, the United States of America appeared by Andrew J. Tessman, Assistant United States Attorney, and the defendant appeared in person and by Gerald M. Titus, III, his counsel.

Counsel for the United States informed the court that a single-count information had been filed on July 15, 2024, charging the defendant with one violation of Title 18, United States Code, Section 641.

After the court advised defendant of his right under Rule 7 of the Federal Rules of Criminal Procedure to be charged

by indictment, the defendant waived in writing in the presence of the court and his counsel prosecution by indictment and consented that the proceeding be by information, which written waiver is ORDERED filed.

Counsel for the United States presented to the court the plea agreement between the United States and the defendant, which plea agreement is ORDERED filed.

The defendant informed the court that he wished to enter a plea of GUILTY to the single-count information. After the court explained the charge contained in the single-count information, the defendant entered the plea of GUILTY as charged in the single-count information.

Before accepting the plea, the court personally addressed the defendant pursuant to Rule 11, of the Federal Rules of Criminal Procedure, and informed the defendant of the nature of the charge contained in the single-count information, the elements of the offense, and the rights to which the defendant is entitled.

The court being satisfied from the admissions of the defendant that a factual basis exists for the plea, and further

that the plea was made voluntarily and that the defendant understands the nature of the charge, the elements of the offense, the mandatory minimum penalty, if any, and the maximum possible penalty provided by law for the offense to which the plea is offered, and the terms of and waivers in the plea agreement, defendant's plea is hereby accepted and the written plea of guilty executed by the defendant in the presence of the court is ORDERED filed.

The court advised the defendant that it accepted the plea agreement, having found that the agreement protects the rights of the defendant and is in the best interests of justice.

Accordingly, IT IS ADJUDGED that the defendant, upon his plea of GUILTY, is hereby found guilty and convicted of one violation of Title 18, United States Code, Section 641, as charged in the single-count information in this case.

It is ORDERED that the Probation Department of this court shall conduct a presentence investigation of the defendant and disclose the presentence report to the defendant and to counsel by October 2, 2024; counsel shall communicate to the Probation Department by October 16, 2024, any objections to the presentence report; the presentence report, together with an

addendum setting forth any unresolved objections, shall be submitted to the court by October 30, 2024; and the defendant shall appear before the court for sentencing at 1:30 p.m. on November 13, 2024.

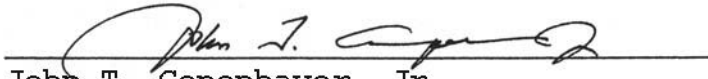
Unless otherwise ordered, the probation officer is directed not to disclose the probation officer's sentencing recommendation except to the court.

It is ORDERED that the government and the defendant may file a sentencing memorandum addressing the sentencing factors set forth in 18 U.S.C. § 3553(a) on or before November 6, 2024.

Upon oral motion of the defendant in open court, the defendant requested release on bond to which the government had no objection. The motion was GRANTED as more fully set forth on the record and the defendant was ordered released on a \$10,000 Unsecured Appearance Bond with the conditions set forth in the Appearance Bond and Order Setting Conditions of Release filed on August 6, 2024.

The Clerk is directed to forward copies of this order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 7, 2024



John T. Copenhaver, Jr.
Senior United States District Judge