

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA
V.
AES LAUREL MOUNTAIN, LLC

AMENDED JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)
Case Number: 2:15CR00023-001

Date of Original Judgment: 2/12/2016
(Or Date of Last Amended Judgment)

J. Evans Rice, III and William J. Powell
Defendant Organization's Attorney

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(c)(7)
Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT ORGANIZATION:

- pleaded guilty to count(s) One and Two
pleaded nolo contendere to count(s) which was accepted by the court.
was found guilty on count(s) after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

Table with 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Row 1: 16 U.S.C. §§ 703 and 707(a), Unlawful Take of Migratory Birds, 10/3/2011, 1 and 2.

See additional count(s) on page 2

The defendant organization is sentenced as provided in pages 2 through 3 of this judgment.

- The defendant organization has been found not guilty on count(s)
Count(s) are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid.

Defendant Organization's Federal Employer I.D. No.: 27-3386011

Defendant Organization's Principal Business Address:

AES Laurel Mountain, LLC
95 Turbine View Road
Belington, WV 26250

Defendant Organization's Mailing Address:

AES Laurel Mountain, LLC
95 Turbine View Road
Belington, WV 26250

February 18, 2016

Date of Imposition of Judgment

Handwritten signature of Judge

Signature of Judge

Honorable Michael John Aloj, U. S. Magistrate Judge

Name of Judge

Title of Judge

2.23.16

Date

DEFENDANT ORGANIZATION: AES LAUREL MOUNTAIN, LLC
 CASE NUMBER: 2:15CR00023-001

CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 30,000.00	\$ 0.00

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization 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.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____	0.00	\$ _____	0.00
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- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant organization shall pay interest on restitution or 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 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant organization 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:
- The defendant shall perform community service by making a payment of \$48,300.00 directly to the West Virginia Land Trust, for the conservation of avian wildlife.

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

DEFENDANT ORGANIZATION: AES LAUREL MOUNTAIN, LLC
CASE NUMBER: 2:15CR00023-001

SCHEDULE OF PAYMENTS

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

A Lump sum payment of \$ 100.00 special assessment and \$30,000.00 fine due immediately, balance due

not later than _____, or
 in accordance with C or D below; or

B Payment to begin immediately (may be combined with C or D below); or

C Payment in _____ (e.g., equal, 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 Special instructions regarding the payment of criminal monetary penalties:

The docket in this criminal action reflects that the defendant paid the \$100.00 special assessment on 01/25/16 and paid the \$30,000.00 fine on 02/12/16.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization 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 organization shall pay the cost of prosecution.

The defendant organization shall pay the following court cost(s):

The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

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.