

**REPORT OF OFFENDER NON-COMPLIANCE**

**Offender Name:** David A. OHMAN

**Docket Number:** 1:04CR05134-01

**Offender Address:** Modesto, California

**Judicial Officer:** Honorable Oliver W. Wanger  
United States District Judge  
Fresno, California

**Original Sentence Date:** 10/11/1996

**Original Offense:** 18 USC 922(o) - Possession of Unregistered Machine Guns (Count 2);  
26 USC 5861(h) - Possession of Firearms with Obliterated Serial Numbers (Count 3);  
26 USC 5861(l) - Possession of Firearms With No Serial Numbers (Count 4)  
(CLASS C FELONIES)

**Original Sentence:** 46 months custody of the Bureau of Prisons (each count concurrent to one another) to be followed by three years supervised release; \$150 special assessment and \$10,000 fine.

**Special Conditions:** Submit to search; Not possess any firearms, dangerous weapons, or explosives; Be personally and professionally prohibited from working on or with any firearm, dangerous weapon, or explosive device, or assisting others in doing the same; Shall pay any fine and/or special assessment imposed by this judgment; and Shall provide the probation officer access to any financial information requested.

**Type of Supervision:** Supervised release

**Supervision Commenced:** 01/21/2003

**Assistant U.S. Attorney:** None assigned **Telephone:** (916) 554-2700

**Pro Per:** David A. Ohman **Telephone:** (209) 996-0411

**Other Court Action:**

**05/18/2004:** Jurisdiction transferred from the Northern District of California to the Eastern District of California.

**11/14/2005:** Offender appeared in Court before Your Honor pursuant to an "Emergency Motion for Temporary Restraining Order" he filed with the Court on September 21, 2005. Court orders offender to comply with the conditions of release, specifically to submit to DNA testing.

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**NON-COMPLIANCE SUMMARY**

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

**1. FAILURE TO PAY THE COURT-IMPOSED FINE PRIOR TO EXPIRATION OF SUPERVISION**

**Details of alleged non-compliance:** The offender, as part of his sentence, was ordered to pay a fine in the amount of \$10,000. As of December 6, 2005, he has an unpaid balance of \$6,750. Mr. Ohman's term of supervised release is due to terminate on January 20, 2006, and it is anticipated he will not have paid the full amount of the Court-imposed fine prior to termination.

**United States Probation Officer Plan/Justification:** During the course of his supervision, Mr. Ohman has made regular monthly payments toward the outstanding fine balance commensurate with his ability to pay. He has paid a total of \$3,250.00 as of December 6, 2005, with a remaining balance of \$6,750.00. In addition, the offender has also paid the \$150 special assessment.

Mr. Ohman has been unemployed since March 4, 2005, but with the assistance of his wife, has continued to submit monthly payments of no less than \$25 a month.

It is the undersigned's opinion, during the course of supervision, Mr. Ohman has made a diligent effort to satisfy the Court-imposed fine when considering his overall financial situation. It should also be noted, Mr. Ohman intends to continue making monthly payments of at least \$25 following the termination of his supervision.

In accordance with 18 USC 3613(b), liability of the fine shall terminate 20 years after the offender's release from imprisonment, thereby allowing the United States District Court Clerk's Office to continue the collection of payments until January 20, 2023. If Mr. Ohman should fail to pay the remaining fine balance, pursuant to 18 USC 3613(a), the United States has the option of enforcing a judgment imposing a fine in accordance with the practices and procedures for the enforcement of a civil judgment under Federal or State Law.

Based on the foregoing, it is respectfully recommended that Mr. Ohman's term of supervised release be allowed to terminate on January 20, 2006, without further Court intervention. If the Court concurs with the probation officer's proposed plan, a copy of this Probation Form 12A1 will be provided to the U. S. District Court Clerk's Office and the Financial Litigation Unit of the United States Attorney's Office to be used, if necessary, in the further collection of the outstanding fine balance.

Respectfully submitted,

/s/ Phil R. Hendley, Jr.

**Phil R. Hendley, Jr.**  
**United States Probation Officer**  
Telephone: (209) 574-9429

**DATED:** December 20, 2005  
Modesto, California  
PRH/lr

**REVIEWED BY:** /s/ Deborah A. Spencer  
**Deborah A. Spencer**  
**Supervising United States Probation Officer**

**THE COURT ORDERS:**

- ( X ) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- ( ) Submit a Request for Modifying the Conditions or Term of Supervision.
- ( ) Submit a Request for Warrant or Summons.
- ( ) Other:

**December 26, 2005**

**/s/ OLIVER W. WANGER**

**Date**

**Signature of Judicial Officer**

cc: United States Probation  
None assigned, Assistant United States Attorney  
David A. Ohman, Pro Per

Attachment: Presentence Report (Sacramento only)