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**U.S. District Court  
District of Montana (Billings)  
CRIMINAL DOCKET FOR CASE #: 1:22-cr-00113-SPW-1**

Case title: USA v. Zito

Date Filed: 09/19/2022

Date Terminated: 03/30/2023

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Assigned to: Judge Susan P. Watters

**Defendant (1)**

**Nathan Nephi Zito**  
*TERMINATED: 03/30/2023*

represented by **Peter F. Lacny**  
DATSOPOULOS MacDONALD & LIND  
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Missoula, MT 59802  
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Email: placny@dmlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

15:2.F ATTEMPTED MONOPOLIZATION  
(1)

**Disposition**

DFT SENTENCED ON THE INFORMATION  
TO 3 YEARS PROBATION with standard and  
special conditions apply. Fine 27,000.00, special  
assessment 100.00.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

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**Plaintiff**

**USA**

represented by **Bryan T. Dake**  
U.S. ATTORNEY'S OFFICE - BILLINGS  
2601 2nd Avenue North, Ste 3200  
Billings, MT 59101  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Jeremy Michael Purkey Goldstein**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/19/2022	<a href="#">1</a>	INFORMATION as to Nathan Nephi Zito (1) count(s) 1. (AMC) (Entered: 09/19/2022)
09/19/2022	<a href="#">2</a>	PLEA AGREEMENT as to Nathan Nephi Zito. (Defense attorneys initials are missing on the last page, case manager will hold original plea to get corrected and the change of plea hearing) (AMC) (Additional attachment(s) added on 10/14/2022: # <a href="#">1</a> Completed Plea Agreement) (JDH). (Entered: 09/19/2022)
09/20/2022	<a href="#">3</a>	Unopposed MOTION TO CHANGE PLEA by Nathan Nephi Zito. (Attachments: # <a href="#">1</a> Text of Proposed Order) (Lacny, Peter) (Entered: 09/20/2022)
09/20/2022	<a href="#">4</a>	ORDER REFERRING CASE to Magistrate Judge Timothy J. Cavan for purposes of scheduling and conducting the INITIAL APPEARANCE and CHANGE OF PLEA HEARING as to Nathan Nephi Zito. Signed by Judge Susan P. Watters on 9/20/2022. (AMC) (Entered: 09/20/2022)
09/20/2022	<a href="#">5</a>	ORDER SETTING ARRAIGNMENT AND CHANGE OF PLEA HEARING as to Nathan Nephi Zito. Provided the parties consent, the Court will conduct an arraignment followed by a change of plea hearing on October 14, 2022, at 9:00 a.m. in Billings, MT before Magistrate Judge Timothy J. Cavan. Signed by Magistrate Judge Timothy J. Cavan on 9/20/2022. (JDH) (Entered: 09/20/2022)
09/20/2022	<a href="#">6</a>	NOTICE OF ATTORNEY APPEARANCE Jeremy Michael Purkey Goldstein appearing for USA. (Goldstein, Jeremy Michael) (Entered: 09/20/2022)
09/26/2022	<a href="#">7</a>	OFFER OF PROOF as to Nathan Nephi Zito (Dake, Bryan) (Entered: 09/26/2022)
10/14/2022	<a href="#">8</a>	<b>MINUTE ENTRY for proceedings held before Magistrate Judge Timothy J. Cavan: Change of Plea Hearing as to Nathan Nephi Zito held on 10/14/2022. Retained counsel Peter Lacny appearing with defendant (not in custody); AUSA Bryan Dake and AUSA Jeremy Michael Goldstein present. Deft files a waiver of indictment. Deft consents to USMJ. Terms of PA outlined. Deft sworn in and answers standard questions given by the court; deft advised of his rights, rights waived and lost, and max penalties. Govt reads the elements and offer of proof into the record. The deft states guilt. The Court finds the deft competent to enter plea. Deft understands charges, penalties, and rights forfeited. Deft enters a GUILTY plea to the Information. The Court to recommend that Judge Watters accept the guilty plea. Deft advised of the 14 day objection deadline. Deft advised of the PSR procedure. Deft is released subject to standard and special conditions pending sentencing. Hearing commenced at 9:08 a.m. and concluded at 9:43 a.m. (Court Reporter FTR Gold) (USPO: Cameron Peters), (Law Clerk: L. Amongero), (Hearing held in Big Horn Courtroom - Billings) (JDH) (Entered: 10/14/2022)</b>
10/14/2022		Terminate Deadlines and Hearings as to Nathan Nephi Zito: Arraignment. (JDH) (Entered: 10/14/2022)
10/14/2022	<a href="#">9</a>	WAIVER OF INDICTMENT by Nathan Nephi Zito (JDH) (Entered: 10/14/2022)
10/14/2022	<a href="#">10</a>	CONSENT TO proceed before a Magistrate Judge for a Guilty Plea as to Nathan Nephi Zito (JDH) (Entered: 10/14/2022)
10/14/2022	<a href="#">11</a>	ORDER Setting Conditions of Release as to Nathan Nephi Zito Signed by Magistrate Judge Timothy J. Cavan on 10/14/2022. (JDH) (Entered: 10/14/2022)

10/14/2022	<a href="#">13</a>	FINDINGS AND RECOMMENDATIONS on Plea of Guilty as to Nathan Nephi Zito Signed by Magistrate Judge Timothy J. Cavan on 10/14/2022. (JDH) (Entered: 10/14/2022)
10/31/2022	<a href="#">14</a>	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS IN FULL AND SETTING SENTENCING as to Nathan Nephi Zito. ( Sentencing set for 2/24/2023 at 09:30 AM in Billings, MT before Judge Susan P. Watters.) Signed by Judge Susan P. Watters on 10/31/2022. (AMC) (Entered: 10/31/2022)
02/10/2023	<a href="#">15</a>	SENTENCING MEMORANDUM by Nathan Nephi Zito (Attachments: # <a href="#">1</a> Exhibit A) (Lacny, Peter) (Entered: 02/10/2023)
02/10/2023	<a href="#">16</a>	NOTICE OF FILING OF SENTENCING LETTERS by Nathan Nephi Zito (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9, # <a href="#">10</a> Exhibit 10, # <a href="#">11</a> Exhibit 11, # <a href="#">12</a> Exhibit 12, # <a href="#">13</a> Exhibit 13, # <a href="#">14</a> Exhibit 14, # <a href="#">15</a> Exhibit 15, # <a href="#">16</a> Exhibit 16, # <a href="#">17</a> Exhibit 17, # <a href="#">18</a> Exhibit 18, # <a href="#">19</a> Exhibit 19, # <a href="#">20</a> Exhibit 20, # <a href="#">21</a> Exhibit 21, # <a href="#">22</a> Exhibit 22, # <a href="#">23</a> Exhibit 23, # <a href="#">24</a> Exhibit 24, # <a href="#">25</a> Exhibit 25) (Lacny, Peter) (Entered: 02/10/2023)
02/10/2023	<a href="#">17</a>	SENTENCING MEMORANDUM by USA as to Nathan Nephi Zito (Dake, Bryan) (Entered: 02/10/2023)
02/17/2023	<a href="#">18</a>	RESPONSE by Nathan Nephi Zito <i>DEFENDANT'S RESPONSE TO GOVERNMENT'S SENTENCING MEMORANDUM</i> (Lacny, Peter) (Entered: 02/17/2023)
02/21/2023	<a href="#">19</a>	ORDER RESETTING SENTENCING as to Nathan Nephi Zito. Sentencing RESET for 3/29/2023 at 03:30 PM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 2/21/2023. (AMC) (Entered: 02/21/2023)
03/29/2023	<a href="#">20</a>	MINUTE ENTRY for proceedings held before Judge Susan P. Watters: SENTENCING held on 3/29/2023 for Nathan Nephi Zito. Dft present and NOT in custody appearing with retained counsel Peter Lacny, AUSA Bryan Dake, Michael Goldstein. PSR received/reviewed by Govt; no objections, moves for a two level decrease, Judge GRANTS. PSR received/reviewed by defense, no objections. Judge will rely on PSR and accepts the plea agreement. Court reviews statutory and guideline calculations. Arguments made. Court reviews 3553(a) factors. DFT SENTENCED ON THE INFORMATION TO 3 YEARS PROBATION with standard and special conditions apply. Fine 27,000.00, special assessment 100.00. Dft has waived his right to appeal. Hearing commenced at 3:30 pm and concluded at 4:25 pm Presentence Report due by 4/5/2023. (Court Reporter Kim Marchwick) (USPO: McKenna Arledge), (Law Clerk: D. Connelley), (Hearing held in Billings-SMC) (AMC) (Entered: 03/29/2023)
03/30/2023	<a href="#">21</a>	JUDGMENT as to Nathan Nephi Zito (1), Count(s) 1, DFT SENTENCED ON THE INFORMATION TO 3 YEARS PROBATION with standard and special conditions apply. Fine 27,000.00, special assessment 100.00. Signed by Judge Susan P. Watters on 3/30/2023. (AMC) (Entered: 03/30/2023)
03/30/2023	<a href="#">22</a>	STATEMENT OF REASONS as to Nathan Nephi Zito re <a href="#">21</a> Judgment Signed by Judge Susan P. Watters on 3/30/2023. (sealed emailed to both counsel) (AMC) (Entered: 03/30/2023)
03/30/2023	<a href="#">23</a>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Nathan Nephi Zito. (sealed emailed to both counsel) (AMC) (Main Document 23 replaced on 3/30/2023) (AMC). (Entered: 03/30/2023)
03/31/2023	<a href="#">24</a>	TRANSCRIPT ORDER FORM for Sentencing Hearing by USA for proceedings held on 3/29/2023 before Judge Watters. Court reporter Kim Marchwick. Type of transcript: 30-Day. Transcript due by 4/28/2023. (Dake, Bryan) (Entered: 03/31/2023)
05/10/2023	<a href="#">25</a>	TRANSCRIPT of Sentencing Hearing as to Nathan Nephi Zito held on Wednesday, March 29, 2023, before Judge Susan P. Watters. Transcript may be viewed at the court public terminal or purchased through the court reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER, the clerks office, or the court reporter. NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 7 DAYS OF THIS FILING. Contact court reporter Kim Marchwick, 406-671-2307, marchwickkim@gmail.com. For further information, please see the Transcript Redaction Procedure and Schedule on the Court Reporters page of our website. Redaction Request due 5/31/2023. Redacted Transcript Deadline set for 6/12/2023. Release of Transcript Restriction set for 8/8/2023. (Marchwick, Kim) (Entered: 05/10/2023)
07/11/2023	<a href="#">26</a>	MOTION to Amend/Correct <i>PROBATION CONDITIONS</i> by Nathan Nephi Zito. (Lacny, Peter) (Entered: 07/11/2023)
07/11/2023	<a href="#">27</a>	BRIEF/MEMORANDUM in Support by Nathan Nephi Zito (Lacny, Peter) (Entered: 07/11/2023)

07/21/2023	<a href="#">28</a>	RESPONSE to Motion by USA as to Nathan Nephi Zito re <a href="#">26</a> MOTION to Amend/Correct <i>PROBATION CONDITIONS</i> (Dake, Bryan) (Entered: 07/21/2023)
07/24/2023	<a href="#">29</a>	REPLY TO RESPONSE to Motion by Nathan Nephi Zito re <a href="#">26</a> MOTION to Amend/Correct <i>PROBATION CONDITIONS</i> (Lacny, Peter) (Entered: 07/24/2023)
07/31/2023	<a href="#">30</a>	ORDER granting in part and denying in part <a href="#">26</a> Motion to Amend/Correct as to Nathan Nephi Zito (1). Signed by Judge Susan P. Watters on 7/31/2023. (EMH) (Entered: 07/31/2023)
08/10/2023		Terminate Deadlines (RELEASE OF TRANSCRIPT RESTRICT FOR DOC 25) as to Nathan Nephi Zito. (AMC) (Entered: 08/10/2023)

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