



The United States Department of Justice

District of Montana

FOR IMMEDIATE RELEASE

Friday, July 31, 2009

DAVID PHILLIPS SENTENCED IN U.S. DISTRICT COURT

Bill Mercer, United States Attorney for the District of Montana, announced today that during a federal court session in Missoula, on July 31, 2009, before U.S. District Judge Donald W. Molloy, DAVID PHILLIPS, a 52-year-old resident of Missoula, appeared for sentencing. PHILLIPS was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$100
- Restitution: \$3,690
- Supervised Release: 3 years

PHILLIPS was sentenced in connection with his guilty plea to perjury.

In an Offer of Proof filed by Assistant U.S. Attorney Timothy J. Racicot, the government stated it would have proved at trial the following:

On March 3, 2003, PHILLIPS appeared in federal district court in Missoula following his arrest for violating the conditions of his probation. PHILLIPS was on probation following his conviction for Clean Water Act violations. During the course of his initial appearance on his probation revocation, PHILLIPS filed a financial affidavit with the Court that misrepresented both his total income and the source of some of that income. The Court relied on the information in the financial affidavit in making a decision about whether PHILLIPS could afford to hire his own lawyer or should receive court-appointed counsel.

After being indicted for perjury in the District of Montana, PHILLIPS escaped from a federal facility in Sheridan, Oregon. PHILLIPS was apprehended after approximately three years and was tried and convicted of felony escape in the District of Oregon.

After committing environmental crimes, Mr. Phillips violated his probation, committed perjury, and ultimately escaped from prison and became a fugitive," said Lori Hanson, EPA Special Agent in Charge of EPA's criminal enforcement program in Denver. "His efforts to thwart the U.S. justice system only made things much worse for him."

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PHILLIPS will likely serve all of the time imposed by the court. In the federal system, PHILLIPS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

The investigation was a cooperative effort between the Environmental Protection Agency - Office of Inspector General and the Criminal Investigation Division of the Internal Revenue Service.