

UNITED STATES DISTRICT COURT

District of Massachusetts

UNITED STATES OF AMERICA

v.

JOHN F. CASEY

JUDGMENT IN A CRIMINAL CASE

Case Number: **1: 20 CR 10202 - 001 - ADB**

USM Number: 10410-509

Jessica Thrall, Fed. Def.

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1s through 33s

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 defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 1343	Wire Fraud	01/04/21	1s - 23s
18 USC§1028A(a)(1)	Aggravated Identity Theft	06/15/20	24s - 26s
18 USC § 1957	Money Laundering	07/13/20	27s - 30s
26 USC § 7206(1)	Filing a False Tax Return	09/25/18	31s - 33s

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

2/15/2022

Date of Imposition of Judgment

/s/ Allison D. Burroughs

Signature of Judge

The Honorable Allison D. Burroughs
Judge, U.S. District Court

Name and Title of Judge

4/8/2022

Date

DEFENDANT: JOHN F. CASEY
CASE NUMBER: **1: 20 CR 10202 - 001 - ADB**

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: 48 month(s)

This term consists of 24 months on Counts 1s-23s, 24 months on Counts 27s-30s, 24 months on Counts 31s-33s, to be served concurrently, and terms of 24 months on Counts 24s-26s, to be served consecutively to the terms imposed on Counts 1s-23s and 27s-33s.

The court makes the following recommendations to the Bureau of Prisons:

The Court makes a judicial recommendation that the defendant be designated to an institution commensurate with security where the Bureau of Prisons can afford appropriate medical care for the defendant's documented medical needs.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____ .

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on 4/12/2022 .

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JOHN F. CASEY

CASE NUMBER: **1: 20 CR 10202 - 001 - ADB****SUPERVISED RELEASE**

Upon release from imprisonment, you will be on supervised release for a term of : 3 year(s)

This term consists of terms of 3 years on Counts 1s-23s and 27s-30s, and terms of 1 year on Counts 24s-26s and 31s-33s, such terms to run concurrently.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: JOHN F. CASEY
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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: JOHN F. CASEY

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ADDITIONAL SUPERVISED RELEASE TERMS

1. You must not knowingly have any contact, direct or indirect, with the victims.
2. The defendant is to:
 - i. cooperate with the Examination and Collection Divisions of the IRS;
 - ii. provide to the Examination Division all financial information necessary to determine Defendant's prior tax liabilities;
 - iii. provide to the Collection Division all financial information necessary to determine Defendant's ability to pay;
 - iv. file accurate and complete tax returns for the years for which returns were not filed or for which inaccurate returns were filed; and
 - v. make a good faith effort to pay all delinquent and additional taxes, interest, and penalties.
3. You must pay restitution in the amount of \$521,208.00 to the IRS, according to a court-ordered repayment schedule.
4. You must meet with the Internal Revenue Service within the first 30 days of the period of supervision in order to determine your prior tax liability and you are to file tax returns and pay any past or future taxes due.
5. You must use your true name and are prohibited from the use of any false identifying information which includes, but is not limited to, any aliases, false dates of birth, false social security numbers, and incorrect places of birth.
6. You must pay the balance of any restitution imposed according to a court-ordered repayment schedule.
7. You are prohibited from incurring new credit charges or opening additional lines of credit without the approval of the Probation Office while any financial obligations remain outstanding.
8. You must provide the Probation Office access to any requested financial information, which may be shared with the Financial Litigation Unit of the U.S. Attorney's Office.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TOTALS \$ Assessment \$ JVTA Assessment* \$ Fine \$ Restitution

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant 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>
Victim A	\$409.09	\$409.09	1
Victim B	\$20,405.00	\$20,405.00	1
BB&T Commercial Equipment Capital	\$49,124.63	\$49,124.63	2
Amur Equipment Finance, Inc.	\$44,071.57	\$44,071.57	2
Balboa Capital Corporation	\$39,756.36	\$39,756.36	2
North Star Leasing Corporation	\$64,172.05	\$64,172.05	2
Keystone Equipment Finance Corp.	\$49,622.13	\$49,622.13	2
NFS Leasing, Inc.	\$79,426.86	\$79,426.86	2
Ascentium Capital, LLC	\$55,052.54	\$55,052.54	2
Lease Corporation of America	\$68,403.96	\$68,403.96	2
Financial Pacific Leasing, Inc.	\$56,580.68	\$56,580.68	2
TOTALS	\$ 1,998,097.00	\$ 1,998,097.00	

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and 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 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant 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:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** 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.

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ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

Any payment made, that is not payment in full, shall be divided proportionately among the parties named.

Payment of the restitution shall begin immediately according to a court-ordered repayment schedule if a term of probation is imposed. If a term of imprisonment is imposed, payment of the restitution shall begin immediately and shall be made according to the requirements of the Federal Bureau of Prisons' Inmate Financial Responsibility Program while the defendant is incarcerated and according to a court-ordered repayment schedule during the term of supervised release.

All restitution payments shall be made to the Clerk, U.S. District Court for transfer to the identified victims. The defendant shall notify the United States Attorney for this district within 30 days of any change of mailing or residence address that occurs while any portion of the restitution remains unpaid.

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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Swift Capital	\$27,565.18	\$27,565.18	2
CAN Capital, Inc.	\$48,558.27	\$48,558.27	2
Knight Capital Funding	\$6,627.32	\$6,627.32	2
Channel Partners Capital, LLC	\$51,411.85	\$51,411.85	2
United Leasing, Inc.	\$68,957.70	\$68,957.70	2
De Lage Landen Financial Services, Inc.	\$70,191.35	\$70,191.35	2
Amur Equipment Finance	\$27,887.00	\$27,887.00	2
JP Morgan Chase	\$26,665.00	\$26,665.00	2
MGCC	\$70,000.00	\$70,000.00	2
SBA	\$552,100.00	\$552,100.00	3
IRS	\$521,108.46	\$521,108.46	3

* 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.

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SCHEDULE OF PAYMENTS

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

- A Lump sum payment of \$ 3,300.00 due immediately, balance due
- not later than _____, or
 in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., 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 Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant 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 shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant'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) JVTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

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ADDITIONAL FORFEITED PROPERTY

*see attached Orders of Forfeiture

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 20-10202-ADB
)	
JOHN F. CASEY,)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

BURROUGHS, D.J.

WHEREAS, on October 20, 2021, the United States Attorney for the District of Massachusetts filed a thirty-three count Superseding Information, charging defendant John F. Casey (the “Defendant”), with Wire Fraud, in violation of 18 U.S.C. § 1343 (Counts One through Twenty-Three); Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A(a)(1) (Counts Twenty-Four through Twenty-Six); Money Laundering, in violation of 18 U.S.C. § 1957 (Counts Twenty-Seven through Thirty); and Filing a False Tax Return, in violation of 26 U.S.C. § 7206(1) (Counts Thirty-One through Thirty-Three);

WHEREAS, the Superseding Information included a Fraud Forfeiture Allegation, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), which provided notice that the United States intended to seek the forfeiture, upon conviction of the Defendant of one or more of the offenses alleged in Counts One through Twenty-Three of the Superseding Information, of any property, real or personal, which constituted, or was derived from proceeds traceable to the offenses;

WHEREAS, the property to be forfeited included, but was not limited to, the following assets:

- (a) one women’s white gold ring containing one 3.0 carat, oval diamond with GIA certificate number 7341730431 and side stones (the “Diamond Ring”);

- (b) \$12,427.52 in United States currency, seized from Bank of America account number xxxx xxxx 8966, held in the name of Loap Leasing LLC, on or about August 20, 2021;
- (c) \$59,461.91 in United States currency, seized from Bank of America account number xxxx xxxx 8716, held in the name of Mind Body Wellness USA LLC, on or about August 20, 2021; and
- (d) All funds on deposit in Charles Schwab account number xxxx-8978, held in the name of C.C., which was seized in place on or about August 20, 2021

(collectively, the “Properties”);

WHEREAS, the Superseding Information also included a Money Laundering Forfeiture Allegation, pursuant to 18 U.S.C § 982(a)(1), which provided notice that the United States intended to seek the forfeiture, upon conviction of the Defendant of one or more of the offenses alleged in Counts Twenty-Seven through Thirty of the Superseding Information, of any property, real or personal, involved in such offenses, and any property traceable to such property;

WHEREAS, the property to be forfeited included, but was not limited to, the Diamond Ring;

WHEREAS, the Superseding Information further provided that, if any of the above-described forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, pursuant to 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(b), incorporating 21 U.S.C. § 853(p), up to the value of the property described above;

WHEREAS, on October 21, 2021, at a hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the Defendant pled guilty to Counts One through Thirty-Three of the

Superseding Information, pursuant to a written plea agreement signed by the Defendant on October 19, 2021;

WHEREAS, in Section 6 of the written plea agreement, the Defendant agreed that the Court will, upon acceptance of the Defendant's guilty plea, enter orders of forfeiture as part of the Defendant's sentence, and that the orders may include assets directly traceable to the Defendant's offenses, assets used to facilitate the Defendant's offenses, substitute assets and/or a money judgment equal to the value of the property derived from, or otherwise involved in, the offenses, and the assets to be forfeited, pursuant to the terms of the written plea agreement, specifically included, without limitation, the Properties;

WHEREAS, the Defendant further admitted that the Properties are subject to forfeiture on the grounds that they constituted, or were derived from, proceeds of the Defendant's offenses and/or the Properties were involved in the Defendant's offenses;

WHEREAS, in addition, the Defendant agreed to forfeit \$1,570,399 in United States currency, to be entered in the form of an Order of Forfeiture (Money Judgment), as the Defendant agreed that this amount is equal to the amount of proceeds the Defendant derived from the offenses to which he pled guilty;¹

WHEREAS, the Defendant agreed to consent to an order of forfeiture for the Properties;

WHEREAS, in light of the Defendant's admissions in the written plea agreement and his guilty plea on October 21, 2021, the United States has established the requisite nexus between the Properties and the offenses to which the Defendant pled guilty, and accordingly, the Properties are subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C) and

¹ Pursuant to the terms of the written plea agreement, the Government agreed to credit the net amount recovered from the forfeiture of the Properties towards partial satisfaction of the \$1,570,399 forfeiture money judgment.

982(a)(1), and 28 U.S.C. § 2461(c); and

WHEREAS, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure, the United States is entitled to a Preliminary Order of Forfeiture against the Properties.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. The Court finds, pursuant to Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure, that the United States has established the requisite nexus between the Properties and the offenses to which the Defendant pled guilty.

2. The Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

3. The Court finds that all of Defendant's interests in the Properties are hereby forfeited to the United States of America for disposition, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1), and 28 U.S.C. § 2461(c).

4. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States is hereby authorized to seize the Properties and maintain them in its secure custody and control.

5. Pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982, the United States shall publish, for thirty (30) consecutive calendar days on the government forfeiture website www.forfeiture.gov, notice of the Preliminary Order of Forfeiture and notice of the United States' intent to dispose of the Properties.

6. Pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982, the United States shall give, to the extent practicable, direct written notice to any person known to have alleged an interest in the Properties to be forfeited.


7. Pursuant to 21 U.S.C. § 853(n)(2) and (3), as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982, the notice referred to above shall state: (a) that any person, other than the Defendant, asserting a legal interest in the Properties, shall, within sixty (60) days after the first day of publication on the government forfeiture website or within thirty (30) days after receipt of actual notice, whichever is earlier, file a petition with the United States District Court in Boston, Massachusetts, requesting a hearing to adjudicate the validity of his or her interest in the Properties; and (b) that the petition shall be signed by the petitioner under the penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Properties, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Properties, any additional facts supporting the petitioner's claim, and the relief sought.

8. Pursuant to 21 U.S.C. § 853(n)(7), as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982, following the Court's disposition of all petitions filed under 21 U.S.C. § 853(n)(6), or if no such petitions are filed following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of such petitions, the United States of America shall have clear title to the Properties.

9. Upon adjudication of all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1), 28 U.S.C. § 2461(c), and Rule 32.2(c) of the Federal Rules of Criminal Procedure, in which all interests will be addressed.

10. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture will become final as to the Defendant at the time of his sentencing, will be part of the Defendant's criminal sentence, and will be included in the criminal judgment entered by this Court against him.

Dated: 1/18/2022


ALLISON D. BORROUGHS
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 20-10202-ADB
)	
JOHN F. CASEY,)	
Defendant.)	

ORDER OF FORFEITURE (MONEY JUDGMENT)

BURROUGHS, D.J.

WHEREAS, on October 20, 2021, the United States Attorney for the District of Massachusetts filed a thirty-three count Superseding Information, charging defendant John F. Casey (the “Defendant”), with Wire Fraud, in violation of 18 U.S.C. § 1343 (Counts One through Twenty-Three); Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A(a)(1) (Counts Twenty-Four through Twenty-Six); Money Laundering, in violation of 18 U.S.C. § 1957 (Counts Twenty-Seven through Thirty); and Filing a False Tax Return, in violation of 26 U.S.C. § 7206(1) (Counts Thirty-One through Thirty-Three);

WHEREAS, the Superseding Information included a Fraud Forfeiture Allegation, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), which provided notice that the United States intended to seek the forfeiture, upon conviction of the Defendant of one or more of the offenses alleged in Counts One through Twenty-Three of the Superseding Information, of any property, real or personal, which constituted, or was derived from proceeds traceable to the offenses;

WHEREAS, the property to be forfeited included, but was not limited to, the following assets:

- (a) one women’s white gold ring containing one 3.0 carat, oval diamond with GIA certificate number 7341730431 and side stones (the “Diamond Ring”);

- (b) \$12,427.52 in United States currency, seized from Bank of America account number xxxx xxxx 8966, held in the name of Loap Leasing LLC, on or about August 20, 2021;
- (c) \$59,461.91 in United States currency, seized from Bank of America account number xxxx xxxx 8716, held in the name of Mind Body Wellness USA LLC, on or about August 20, 2021; and
- (d) All funds on deposit in Charles Schwab account number xxxx-8978, held in the name of C.C., which was seized in place on or about August 20, 2021

(collectively, the “Properties”);

WHEREAS, the Superseding Information also included a Money Laundering Forfeiture Allegation, pursuant to 18 U.S.C § 982(a)(1), which provided notice that the United States intended to seek the forfeiture, upon conviction of the Defendant of one or more of the offenses alleged in Counts Twenty-Seven through Thirty of the Superseding Information, of any property, real or personal, involved in such offenses, and any property traceable to such property;

WHEREAS, the property to be forfeited included, but was not limited to, the Diamond Ring;

WHEREAS, the Superseding Information further provided that, if any of the above-described forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, pursuant to 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(b), incorporating 21 U.S.C. § 853(p), up to the value of the property described above;

WHEREAS, on October 21, 2021, at a hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the Defendant pled guilty to Counts One through Thirty-Three of the Superseding Information, pursuant to a written plea agreement signed by the Defendant on October 19, 2021;

WHEREAS, in Section 6 of the written plea agreement, the Defendant agreed that the Court will, upon acceptance of the Defendant's guilty plea, enter orders of forfeiture as part of the Defendant's sentence, and that the orders may include assets directly traceable to the Defendant's offenses, assets used to facilitate the Defendant's offenses, substitute assets and/or a money judgment equal to the value of the property derived from, or otherwise involved in, the offenses, and the assets to be forfeited, pursuant to the terms of the written plea agreement, specifically included, without limitation, the Properties;

WHEREAS, the Defendant further admitted that the Properties are subject to forfeiture on the grounds that they constituted, or were derived from, proceeds of the Defendant's offenses and/or the Properties were involved in the Defendant's offenses;

WHEREAS, the Defendant agreed to forfeit \$1,570,399 in United States currency, to be entered in the form of an Order of Forfeiture (Money Judgment), as the Defendant agreed that this amount is equal to the amount of proceeds the Defendant derived from the offenses to which he pled guilty;¹

WHEREAS, the Defendant acknowledged and agreed that the amount of the forfeiture

¹ Pursuant to the terms of the written plea agreement, the Government agreed to credit the net amount recovered from the forfeiture of the Properties towards partial satisfaction of the \$1,570,399 forfeiture money judgment.

money judgment represents proceeds the Defendant obtained (directly or indirectly), and/or facilitating property, and/or property involved in, the crimes to which the Defendant pled guilty;

WHEREAS, the Defendant, in the written plea agreement, agreed to consent to the entry of an order of forfeiture (money judgment) in the amount of \$1,570,399;

WHEREAS, in light of the Defendant's admissions in the written plea agreement and his guilty plea on October 21, 2021, the United States is entitled to an Order of Forfeiture (Money Judgment) consisting of a personal money judgment against the Defendant, in the amount of \$1,570,399 in United States currency, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1), and 28 U.S.C. § 2461(c), as the amount of \$1,570,399 constitutes proceeds the Defendant obtained as a result of violations of 18 U.S.C. §§ 1343, 1028A(a)(1), and 1957; and

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment," and Rule 32.2(4)(A), based on the Defendant's consent, this Order becomes final upon entry.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED:

1. The Defendant shall forfeit to the United States the amount of \$1,570,399, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1), and 28 U.S.C. § 2461(c).
2. This Court shall retain jurisdiction in the case for the purpose of enforcing this Order.
3. The United States may, at any time, move pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure to amend this Order to substitute property having a value not to

exceed the amount set forth in Paragraph 1 to satisfy the money judgment in whole or in part.

4. The United States may, at any time, conduct, pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, and 21 U.S.C. § 853(m), as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982, any discovery to identify, locate or dispose of forfeitable property or substitute assets, including, but not limited to, depositions and requests for documents, electronically stored information, and tangible things.

5. Pursuant to Rule 32.2(b)(4), this Order shall be included in the sentence pronounced and imposed by the Court at the sentencing hearing, and in the criminal judgment entered by this Court against the Defendant.


ALLISON D. BORROUGHS
United States District Judge

Dated: 1/18/2022