

UNITED STATES DISTRICT COURT

District of _____

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

CASE NUMBER: _____

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

- ☐ pleaded guilty to count(s) _____
- ☐ 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:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
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The defendant organization is sentenced as provided in pages 2 through _____ of this judgment.

- ☐ The defendant organization 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 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. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: _____

Defendant Organization's Principal Business Address: _____

Date of Imposition of Judgment

Signature of Judge

Name of Judge

Title of Judge

Defendant Organization's Mailing Address: _____

Date

DEFENDANT ORGANIZATION:
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ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
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DEFENDANT ORGANIZATION:
CASE NUMBER:

PROBATION

The defendant organization is hereby sentenced to probation for a term of :

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT ORGANIZATION:
CASE NUMBER:

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ADDITIONAL PROBATION TERMS

DEFENDANT ORGANIZATION:
CASE NUMBER:

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SPECIAL CONDITIONS OF SUPERVISION

DEFENDANT ORGANIZATION:
CASE NUMBER:

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ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

DEFENDANT ORGANIZATION:
CASE NUMBER:

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CRIMINAL MONETARY PENALTIES

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

TOTALS

\$

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 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.

Name of Payee

Total Loss*

Restitution Ordered

Priority or Percentage

TOTALS

\$ _____

\$ _____

- ☐ 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:

* 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

DEFENDANT ORGANIZATION: _____ Judgment — Page _____ of _____
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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>
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* Findings for the total amount of losses are required by 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 organization's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A** ☐ Lump sum payment of \$ _____ 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:

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.

DEFENDANT ORGANIZATION:
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ADDITIONAL DEFENDANTS AND CO-DEFENDANTS HELD JOINT AND SEVERAL

Case Number
Defendant and Co-Defendant
Names (including defendant number)

Total Amount

Joint and Several Amount

**Corresponding Payee,
if appropriate**

DEFENDANT ORGANIZATION:
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ADDITIONAL FORFEITED PROPERTY

DEFENDANT ORGANIZATION:

CASE NUMBER:

DISTRICT:

STATEMENT OF REASONS

(Not for Public Disclosure)

I. COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT

- ☐ The court adopts the presentence investigation report without change.
- ☐ The court adopts the presentence investigation report with the following changes. *(Use Section VI if necessary)*

II. COURT DETERMINATION OF GUIDELINE RANGE

- ☐ The defendant organization is a criminal purpose organization pursuant to §8C1.1.
- ☐ The calculation of the guideline fine range is unnecessary because the fine guidelines do not apply to the offense. (§8C2.1).
- ☐ The calculation of the guideline fine range is unnecessary because the defendant organization cannot pay restitution or fine. (§§8C2.2(a) or (b))

Total Offense Level: _____

Base Fine: \$ _____

Total Culpability Score: _____

Fine Range: \$ _____ to \$ _____

- ☐ Disgorgement amount of \$ _____ is added to fine pursuant to §8C2.9.
- ☐ Fine waived or below the guideline range because of inability to pay pursuant to §8C3.3.
- ☐ Fine offset amount of \$ _____ is subtracted from fine pursuant to §8C3.4.

III. COURT DETERMINATIONS OF RESTITUTION

Total Amount of Restitution: \$ _____

- ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
- ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victim's losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
- ☐ For offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
- ☐ Restitution is not ordered for other reasons: _____
- ☐ Partial restitution is ordered, pursuant to 18 U.S.C. § 3553(c) for the following reason(s). _____

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DISTRICT:

STATEMENT OF REASONS**IV. PLEA AGREEMENT DETERMINATION** *(Check only one)*

- ☐ There is a non-binding plea agreement in this case *(Rule 11(c)(1)(A), Rule 11(c)(1)(B); oral or written)*
- ☐ There is a binding plea agreement accepted by the court in this case *(Rule 11(c)(1)(C); oral or written)*
- ☐ There is no plea agreement in this case *(conviction after trial; plea without agreement)*

V. GUIDELINE SENTENCING DETERMINATION *(Check all that apply)*

- ☐ There is no applicable guideline fine range
- ☐ The fine is within the guideline fine range
- ☐ The fine is below the guideline fine range in whole or in part because of the defendant's substantial assistance. *(§5K1.1)*
- ☐ The fine is below the guideline fine range. *(Specify reasons below)*
- ☐ The government sought a fine below the guideline fine range and the fine imposed was not below the government's recommendation.
- ☐ The government sought a fine below the guideline fine range and the fine imposed was below the government's recommendation.
- ☐ The government did not oppose a fine below the guideline fine range.
- ☐ The government opposed a fine below the guideline fine range.
- ☐ The fine is above the guideline fine range. *(Specify reasons below)*
- ☐ The government sought a fine above the guideline fine range.
- ☐ The government did not seek a fine above the guideline fine range.
- ☐ The government opposed a fine above the guideline fine range.

VI. ADDITIONAL BASIS FOR THE SENTENCE IN THIS CASE *(If applicable)*

Date of Imposition of Judgment

Signature of Judge

Name and Title of JudgeDate Signed
