

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**

**UNITED STATES OF AMERICA**

**Plaintiff,**

**vs.**

**EDWARD M MILLER**

**Defendant.**

**CASE NUMBER: 2:16CR148-003**

**USM Number: 16706-027**

**KEVIN E MILNER  
DEFENDANT'S ATTORNEY**

**JUDGMENT IN A CRIMINAL CASE**

**THE DEFENDANT** pleaded guilty to counts 1 and 16 of the Superseding Indictment on September 6, 2018.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title, Section &amp; Nature of Offense</u>	<u>Date Offense Ended</u>	<u>Count Number(s)</u>
18:1349 CONSPIRACY TO COMMIT WIRE FRAUD & SECURITIES FRAUD and FORFEITURE ALLEGATION	August 2015	1s
18:1512(c)(1) OBSTRUCTION OF JUSTICE and FORFEITURE ALLEGATION	August 2015	16s

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count(s) 2-7, 8-12, 13, 14, 17 of the Superseding Indictment are **DISMISSED** on the motion of the United States as to this defendant only.

**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 any material change in economic circumstances.

March 14, 2019

\_\_\_\_\_  
Date of Imposition of Judgment

s/ Philip P. Simon

\_\_\_\_\_  
Signature of Judge

Philip P. Simon, United States District Judge

\_\_\_\_\_  
Name and Title of Judge

March 21, 2019

\_\_\_\_\_  
Date

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **6 months on each of counts 1 and 16 of the Superseding Indictment, terms to be served concurrently.**

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

That the defendant be incarcerated at the federal facility located at Oxford, Wisconsin..

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before **2:00 P.M.** on **May 30, 2019** as notified by the United States Marshal or the United States Probation Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_,  
with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By: \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

## **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of **2 years** on each count, terms to be served concurrently.

Within 72 hours of the judgment or after the defendant's release from the custody of the Bureau of Prisons, the defendant shall report in person to the nearest United States Probation Office for this district between the hours of 8:00 a.m. and 4:30 p.m. While the defendant is on supervision pursuant to this judgment, the defendant shall comply with the following conditions:

### **MANDATORY CONDITIONS OF SUPERVISION**

1. Defendant shall not commit another federal, state or local crime.
2. Defendant shall not unlawfully use, possess, or distribute a controlled substance.
3. The mandatory drug testing condition is suspended, based on the Court's determination that the defendant poses a low risk of future substance abuse.
4. Defendant shall cooperate in the collection of DNA as directed by the probation officer.

### **DISCRETIONARY CONDITIONS OF SUPERVISION**

While on supervision, the defendant shall comply with the following discretionary conditions:

1. The defendant shall not knowingly leave the judicial district without the permission of the court or probation officer. The probation office will provide a map or verbally describe the boundaries of the judicial district at the start of supervision.
2. The defendant shall report to the probation officer in the manner and as frequently as reasonably directed by the court or probation officer during normal business hours.
3. The defendant shall not knowingly answer falsely any inquiries by the probation officer. However, the defendant may refuse to answer any question if the defendant believes that a truthful answer may incriminate him.
4. The defendant shall follow the instructions of the probation officer as they relate to the conditions as imposed by the court. The defendant may petition the Court to seek relief or clarification regarding a condition if he believes it is unreasonable.
5. The defendant shall make reasonable effort to obtain and maintain employment at a lawful occupation unless he is excused by the probation officer for schooling, training, or other acceptable reasons such as child care, elder care, disability, age or serious health condition.

6. The defendant shall notify the probation officer at least ten days prior to any change in residence or any time the defendant leaves a job or accepts a job. In the event that a defendant is involuntarily terminated from employment or evicted from a residence, the offender must notify the Probation Officer within forty-eight (48) hours.
7. The defendant shall not knowingly and intentionally be in the presence of anyone who is illegally selling, using or distributing a controlled substance and if such activity commences when he is present, the defendant must immediately leave the location.
8. The defendant shall not meet, communicate, or otherwise interact with a person whom he knows to be engaged or planning to be engaged in criminal activity.
9. The defendant shall permit a probation officer to visit him at any time at home or any other reasonable location between the hours of 8:00 a.m. and 10:00 p.m. and shall permit confiscation of any contraband observed in plain view by the probation officer.
10. The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
11. The defendant shall not enter into any agreement to act as an informant for a law enforcement agency without the permission of the court.
12. The defendant shall notify the probation officer within 72 hours of any material change in his economic circumstances that might affect his ability to pay any unpaid amount of restitution and fines. Additionally, the defendant shall provide a probation officer with specific financial information regarding the defendant's ability to pay restitution, forfeiture, or a fine, upon a written or oral request by a probation officer, made to and approved by the Court. The request must be prompted by the defendant's failure to comply with a payment schedule ordered for a period of 60 consecutive days, and the request must describe the specific financial information needed for determining the defendant's current ability to pay.
13. The defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapon.
14. The defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without approval of the probation officer unless the defendant is in compliance with the installment payment schedule imposed for payment of restitution and/or a fine.

Based on a thorough review of the defendant's financial condition as detailed in the presentence report, the Court finds that the defendant does not have the ability to pay a fine. The Court will waive the fine in this case.

## CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

<u>Total Assessment</u>	<u>Total Fine</u>	<u>Total Restitution</u>
\$200.00	NONE	NONE

The defendant shall make the special assessment payment payable to Clerk, U.S. District Court, 5400 Federal Plaza, Suite 2300, Hammond, IN 46320. The special assessment payment shall be due immediately.

### FINE

No fine imposed.

### RESTITUTION

No restitution imposed.

### FORFEITURE

The defendant shall forfeit the defendant's interest in the following property to the United States:

**Forfeiture in the amount of \$222,628.17**

**This forfeiture is ordered pursuant to the agreement of the parties.**

Name: EDWARD M MILLER  
Docket No.: 2:16CR148-003

**ACKNOWLEDGMENT OF SUPERVISION CONDITIONS**

Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

I have reviewed the Judgment and Commitment Order in my case and the supervision conditions therein. These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

\_\_\_\_\_

Defendant

\_\_\_\_\_

Date

\_\_\_\_\_

U.S. Probation Officer/Designated Witness

\_\_\_\_\_

Date