

UNITED STATES DISTRICT COURT

District of Connecticut

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

CASE NO: 3:15-cr-80(SRU)

The Royal Bank of Scotland PLC

Bryan C. Bugham and Jeffrey D. Martino
U. S. Department of JusticeGreg H. Andres
Defendant's Attorney**THE DEFENDANT:** pled guilty to count one of the information.

Accordingly the defendant is adjudicated guilty of the following offense(s):

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Concluded</u> | <u>Count(s)</u> |
|----------------------------|--------------------------|--------------------------|-----------------|
| 15 U.S.C. § 1 | Sherman Act Conspiracy | April 2010 | 1 |

The following sentence is imposed pursuant to the Sentencing Reform Act of 1984.

PROBATION

The defendant shall be placed on probation for 3 years. The sentence imposed reflects a departure based on U.S.S.G. §8c4.1.

The following Special Conditions of Probation are imposed:

1. The defendant shall not commit another crime in violation of the federal laws of the United States during the term of probation. The defendant shall prominently post on its website a retrospective disclosure ("Disclosure Notice") of its conduct in the form agreed to by the Department of Justice and shall maintain the Disclosure Notice on its website during the term of probation.
2. The defendant shall notify the probation officer upon learning of the commencement of: any federal criminal investigation in which the defendant is a target or any federal criminal prosecution against it.
3. The defendant shall implement and shall continue a compliance program designed to prevent and detect the conduct giving rise to this offense throughout its operations including those of its affiliates and subsidiaries and provide an annual report to the probation officer and the United States on its progress in implementing the program, commencing on a schedule agreed to by the parties.
4. The defendant shall further strengthen its compliance and internal controls as required by the U.S. Commodity Futures Trading Commission, the United Kingdom Financial Conduct Authority, and any other regulatory or enforcement agencies that have addressed the conduct giving the rise to this offense and shall report to the probation officer and the United States, upon request, regarding its remediation and implementation of any such compliance program and internal controls, policies, and procedures.
5. The defendant shall: (1) report to the Antitrust Division all credible information regarding criminal violations of U.S. antitrust laws by the defendant or any of its employees about which the defendant's Board of Directors, management (that is, all supervisors within the

bank), or legal and compliance personnel are aware; and (2) report to the Criminal Division, Fraud Section all credible information regarding criminal violations of U.S. law concerning fraud, including securities or commodities fraud by the defendant or any of its employees about which the defendant's Board of Directors, management (that is, all supervisors within the bank), or legal and compliance personnel are aware.

6. The defendant shall bring to the Antitrust Division's attention all federal criminal investigations in which the defendant is identified as a subject or a target, and all administrative or regulatory proceedings or civil actions brought by any federal or state governmental authority in the United States against the defendant or its employees, to the extent that such investigations, proceedings or actions allege facts that could form the basis of a criminal violation of U.S. antitrust laws, and the defendant shall also bring to the Criminal Division, Fraud Section's attention all federal criminal or regulatory investigations in which the defendant is identified as a subject or a target, and all administrative or regulatory proceedings or civil actions brought by any federal governmental authority in the United States against the defendant or its employees, to the extent such investigations, proceedings or actions allege violations of U.S. law concerning fraud, including securities or commodities fraud.

regarding criminal violations of U.S. law concerning fraud, including securities or commodities fraud by the defendant or any of its employees about which the defendant's Board of Directors, management (that is, all supervisors within the bank), or legal and compliance personnel are aware.

6. The defendant shall bring to the Antitrust Division's attention all federal criminal investigations in which the defendant is identified as a subject or a target, and all administrative or regulatory proceedings or civil actions brought by any federal or state governmental authority in the United States against the defendant or its employees, to the extent that such investigations, proceedings or actions allege facts that could form the basis of a criminal violation of U.S. antitrust laws, and the defendant shall also bring to the Criminal Division, Fraud Section's attention all federal criminal or regulatory investigations in which the defendant is identified as a subject or a target, and all administrative or regulatory proceedings or civil actions brought by any federal governmental authority in the United States against the defendant or its employees, to the extent such investigations, proceedings or actions allege violations of U.S. law concerning fraud, including securities or commodities fraud.

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments (as follows) or (as noted on the restitution order).

Special Assessment: \$400.00 Due immediately
Fine: \$395,000,000 Due within 15 days of judgment

It is further ordered that the defendant will 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 paid.

January 5, 2017

Date of Imposition of Sentence

/s/ Stefan R. Underhill

United States District Judge
Date: January 10, 2017

CONDITIONS OF PROBATION

In addition to the Standard Conditions listed below, the following indicated (■) Mandatory Conditions are imposed:

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 (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which 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)
- (7) You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. (check if applicable)
- (8) You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
- (9) If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
- (10) You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

STANDARD CONDITIONS OF SUPERVISION

As part of your probation, 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 the time you were sentenced, 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) You must follow the instructions of the probation officer related to the conditions of supervision.

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

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

CERTIFIED AS A TRUE COPY ON THIS DATE: _____

By: _____
Deputy Clerk

Judgment received by U.S. Marshal at _____ on _____.

Print name _____
Brian Taylor
Acting United States Marshal

By _____
Deputy Marshal