UNITED STATES DISTRICT COURT

Western District of North Carolina

U.	NITED STATES OF AMERICA)	JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)
	V.)	(For energes committee on or their November 1, 1997)
)	
\mathbf{A}	NDREW SMITH)	Case Number: DNCW314CR000082-001
)	USM Number: 33516-058
)	
)	James Stephens Weidner Jr.
)	Defendant's Attorney
THE	DEFENDANT:		
	Pleaded guilty to count(s).		
	Pleaded nolo contendere to count(s)_which was accepted by the court.		
\boxtimes	Was found guilty on count(s) 1s-7s, 9s-10s, 12s-18s, 20s after a plea of not guilty.		

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

		Date Offense	
Title and Section	Nature of Offense	Concluded	Counts
18:1349	Conspiracy to Commit Wire Fraud	06-2014	1s
18:1343 & 2	Wire Fraud and Aiding and Abetting	06-2014	2s-7s,
			9s-10s
18:1956(h), (a)(2)(A)	Conspiracy to Commit Money Laundering	06-2014	12s
18:1956(a)(2)(A) & 2	Money Laundering – International and Aiding and Abetting	06-2014	13s-18s,
			20s

The Defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, <u>United States v. Booker</u>, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

	The de	fendant	has	been	found	not	guilty	on	count	(s)).
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IT IS ORDERED that the Defendant shall 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 monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 4/30/2019

Signed: June 25, 2019

Robert J. Conrad, Jr. United States District Judge

[☐] Count(s) (is)(are) dismissed on the motion of the United States.

Defendant: Andrew Smith Judgment- Page 2 of 7

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of TWO HUNDRED FORTY (240) MONTHS ON EACH COUNT TO RUN CONCURRENTLY AND AN ADDITIONAL SIXTY (60) MONTHS ON COUNT 1 TO RUN CONSECUTIVELY, PURSUANT TO 18 U.S.C. 2326 FOR A TOTAL TERM OF THREE HUNDRED (300) MONTHS.

- - 1. Participation in any available educational and vocational opportunities.
 - 2. Participation in the Federal Inmate Financial Responsibility Program.
 - 3. Defendant shall support all dependents from prison earnings

	Э.	Defendant shall support all dependents from prison earnings.			
⊠ T	he De	efendant is remanded to the custody of the United States Marshal.			
□ T	The Defendant shall surrender to the United States Marshal for this District:				
		As notified by the United States Marshal. At _ on			
□ Т	he De	fendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:			
		As notified by the United States Marshal. Before 2 p.m. on As notified by the Probation Office.			
		RETURN			
l have	e exec	cuted this Judgment as follows:			
Defer	ndant	delivered on to at, with a certified copy of this Judgment.			
		United States Marshal By:			

Deputy Marshal

Defendant: Andrew Smith Judgment- Page 3 of 7

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of <u>THREE (3) YEARS ON EACH COUNT TO RUN CONCURRENTLY.</u>

☐ The condition for mandatory drug testing is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

CONDITIONS OF SUPERVISION

The defendant shall comply with the mandatory conditions that have been adopted by this court.

- 1. The defendant shall not commit another federal, state, or local crime.
- 2. The defendant shall not unlawfully possess a controlled substance.
- 3. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall 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 (unless omitted by the Court).
- 4.

 \times The defendant shall make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. (check if applicable)
- 5. The defendant shall cooperate in the collection of DNA as directed by the probation officer (unless omitted by the Court).

The defendant shall comply with the standard conditions that have been adopted by this court and any additional conditions ordered.

- 1. The defendant shall report to the probation office in the federal judicial district where he/she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- 2. The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
- The defendant shall not leave the federal judicial district where he/she is authorized to reside without first getting permission from the Court or probation officer.
- 4. The defendant shall answer truthfully the questions asked by the probation officer.
- 5. The defendant shall live at a place approved by the probation officer. The probation officer shall be notified in advance of any change in living arrangements (such as location and the people with whom the defendant lives).
- 6. The defendant shall allow the probation officer to visit him/her at any time at his/her home or elsewhere, and shall permit the probation officer to take any items prohibited by the conditions of his/her supervision that the probation officer observes.
- 7. The defendant shall work full time (at least 30 hours per week) at lawful employment, unless excused by the probation officer. The defendant shall notify the probation officer within 72 hours of any change regarding employment.
- 8. The defendant shall not communicate or interact with any persons engaged in criminal activity, and shall not communicate or interact with any person convicted of a felony unless granted permission to do so by the probation officer.
- 9. The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.
- 10. The defendant shall 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. The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential informant without the permission of the Court.
- 12. If the probation officer determines that the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk. The probation officer may contact the person and make such notifications or confirm that the defendant has notified the person about the risk.
- 13. The defendant shall refrain from excessive use of alcohol and shall not unlawfully purchase, possess, use, distribute or administer any narcotic or controlled substance or any psychoactive substances (including, but not limited to, synthetic marijuana, bath salts) that impair a person's physical or mental functioning, whether or not intended for human consumption, or any paraphernalia related to such substances, except as duly prescribed by a licensed medical practitioner.
- 14. The defendant shall participate in a program of testing for substance abuse if directed to do so by the probation officer. The defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of the testing. If warranted, the defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise the defendant's participation in the program (including, but not limited to, provider, location, modality, duration, intensity) (unless omitted by the Court).
- 15. The defendant shall not go to, or remain at any place where he/she knows controlled substances are illegally sold, used, distributed, or administered without first obtaining the permission of the probation officer.
- 16. The defendant shall submit his/her person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), or other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer and such other law enforcement personnel as the probation officer may deem advisable, without a warrant. The defendant shall warn any other occupants that such premises may be subject to searches pursuant to this condition.
- 17. The defendant shall pay any financial obligation imposed by this judgment remaining unpaid as of the commencement of the sentence of probation or the term of supervised release in accordance with the schedule of payments of this judgment. The defendant shall notify the court of any changes in economic circumstances that might affect the ability to pay this financial obligation.
- 18. The defendant shall provide access to any financial information as requested by the probation officer and shall authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.
- 19. The defendant shall not seek any extension of credit (including, but not limited to, credit card account, bank loan, personal loan) unless authorized to do so in advance by the probation officer.
- 20. The defendant shall support all dependents including any dependent child, or any person the defendant has been court ordered to support.
- 21. The defendant shall participate in transitional support services (including cognitive behavioral treatment programs) and follow the rules and regulations of such program. The probation officer will supervise the defendant's participation in the program (including, but not limited to, provider, location, modality, duration, intensity). Such programs may include group sessions led by a counselor or participation in a program administered by the probation officer.

22. The defendant shall follow the instructions of the probation officer related to the conditions of supervision.

Defendant: Andrew Smith

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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION		
\$1,700.00	\$0.00	\$10,222,838.76		
☐ The determination of restitution is deferred until. An <i>Amended Judgment in a Criminal Case (AO 245C)</i> will be entered after such determination.				
	FINE			
The defendant shall pay interest on an paid in full before the fifteenth day after the dat on the Schedule of Payments may be subject to	te of judgment, pursuant to 18 l			
☑ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:				
☑ The interest requirement is waived.				
☐ The interest requirement is modified as follows:				
COURT APPOINTED COUNSEL FEES				
☐ The defendant shall pay court appointed cou	unsel fees.			
☐ The defendant shall pay \$0.00 towards cour	rt appointed fees.			

Defendant: Andrew Smith

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RESTITUTION PAYEES

The defendant shall make restitution to the following payees in the amounts listed below:

NAME OF PAYEE AMOUNT OF RESTITUTION ORDERED

SEE ATTAC	
∑ Joint and S	Several
\boxtimes	Defendant and Co-Defendant Names and Case Numbers (including defendant number) if appropriate: All defendants in 3:14cr82
	Court gives notice that this case may involve other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.
	s' recovery is limited to the amount of their loss and the defendant's liability for restitution ceases if and victim(s) receive full restitution.
⊠ Any payme	ent not in full shall be divided proportionately among victims.

Defendant: Andrew Smith

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follow
A □ Lump sum payment of \$0.00 due immediately, balance due □ Not later than □ In accordance □ (C), □ (D) below; or
B \boxtimes Payment to begin immediately (may be combined with \square (C), \boxtimes (D) below); or
C Payment in equal Monthly (E.g. weekly, monthly, quarterly) installments of \$50.00 to commence 60 (E.g. 30 or 60) days after the date of this judgment; or
D Payment in equal Monthly (E.g. weekly, monthly, quarterly) installments of \$ 50.00 to commence 60 (E.g. 30 or 60) days after release from imprisonment to a term of supervision. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. Probation Officer shall pursue collection of the amount due, and may request the court to establish a modify a payment schedule if appropriate 18 U.S.C. § 3572.
Special instructions regarding the payment of criminal monetary penalties:
\square The defendant shall pay the cost of prosecution.
☐ The defendant shall pay the following court costs:
□ The defendant shall forfeit the defendant's interest in any properties identified by the United States □ The Court enters a Money Judgment of Forfeiture in the amount of: \$406,324.96
Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States District Court Clerk, 401 West Trade Street, Room 21 Charlotte, NC 28202, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court.
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: Andrew Smith

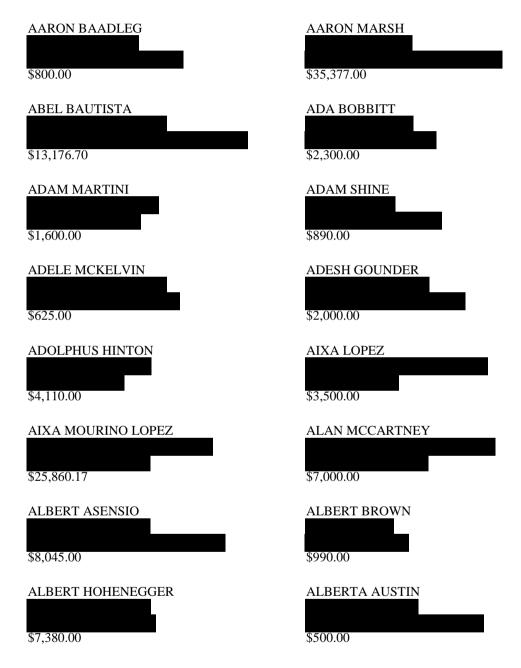
Case Number: DNCW314CR000082-001

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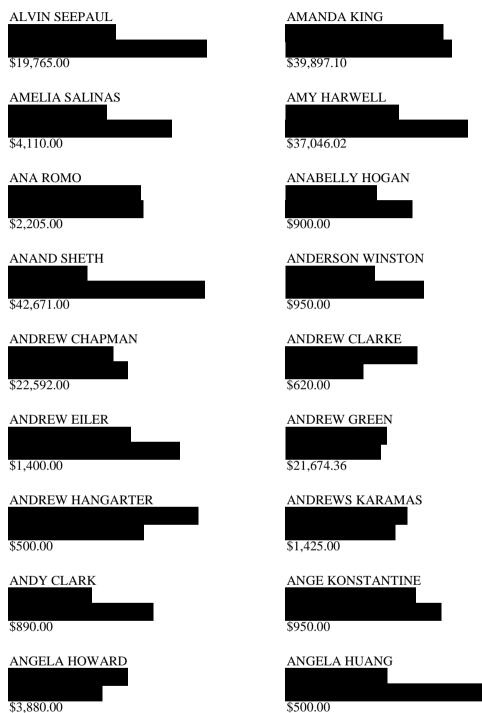
	STATEMENT OF	ACKNOWLEDGMENT
I understan	d that my term of supervision is for a period of	months, commencing on
	ling of a violation of probation or supervised relethe term of supervision, and/or (3) modify the co	ease, I understand that the court may (1) revoke supervision, onditions of supervision.
	d that revocation of probation and supervised roof a firearm and/or refusal to comply with drug	elease is mandatory for possession of a controlled substance testing.
These cond	ditions have been read to me. I fully understand	the conditions and have been provided a copy of them.
(Signed)	Defendant	Date:
(Signed)	U.S. Probation Office/Designated Witness	Date:

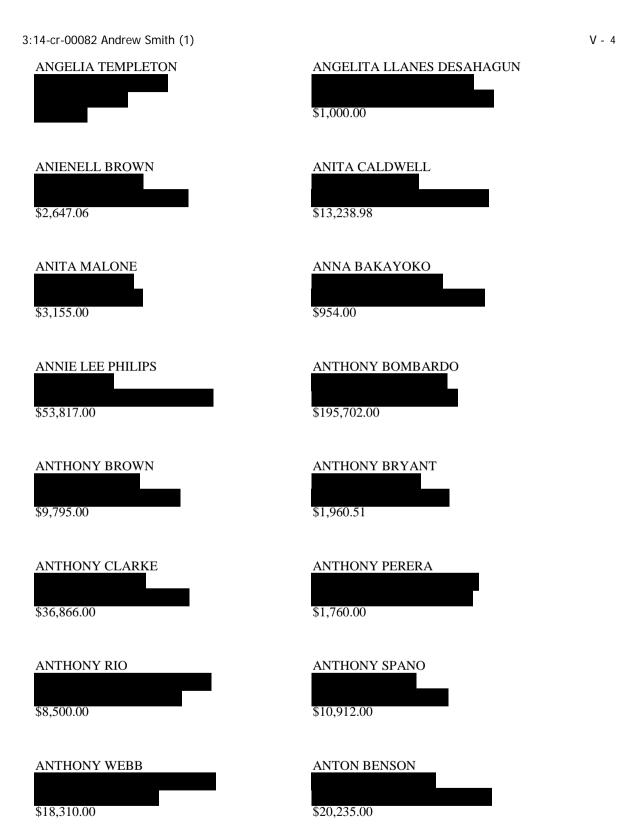
Confidential Victim Restitution List "For the Clerk of Court and Victim Witness Coordinator Only" United States v. Andrew Smith 3:14CR00082 - 001

Restitution of \$10,222,838.76 to:



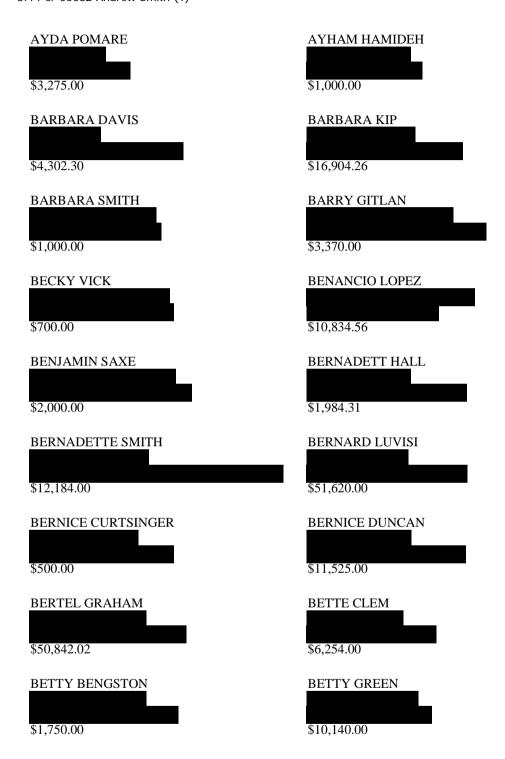






\$2,500.00

\$1,600.00



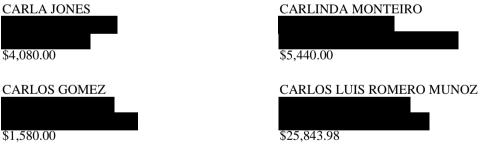
\$825.00

\$30,610.00

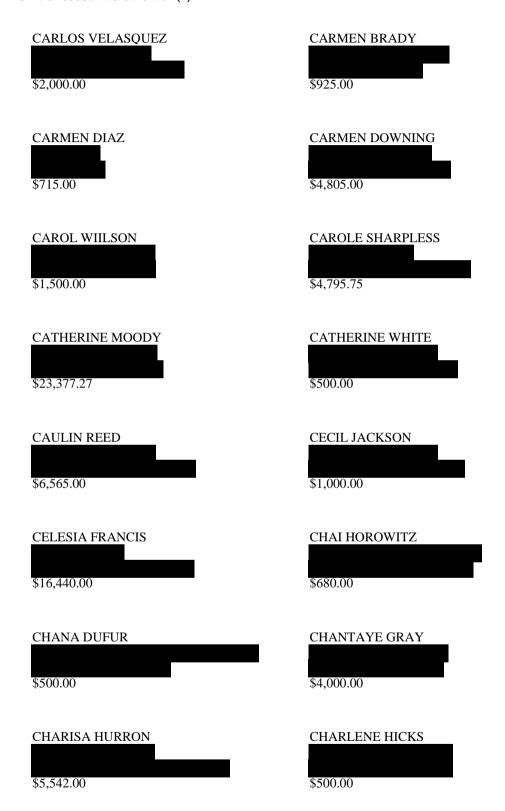
\$875.00

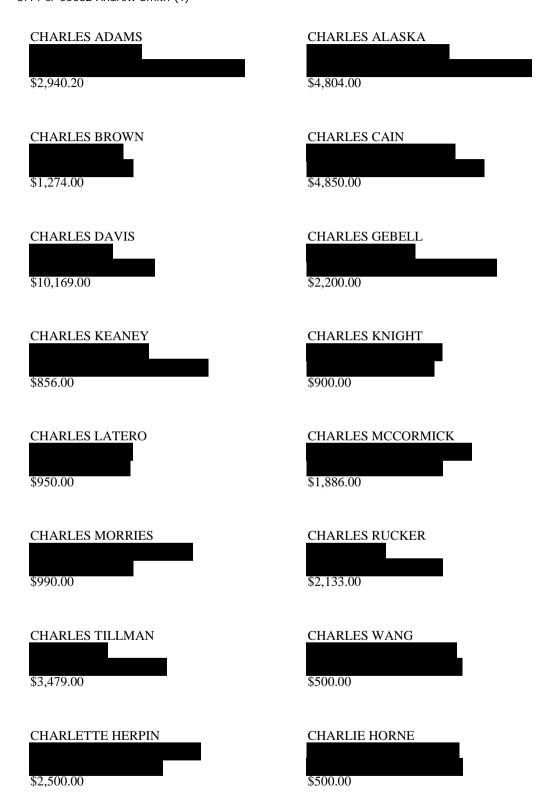
\$850.00

V - 9









CHRISTOPHER WILSON

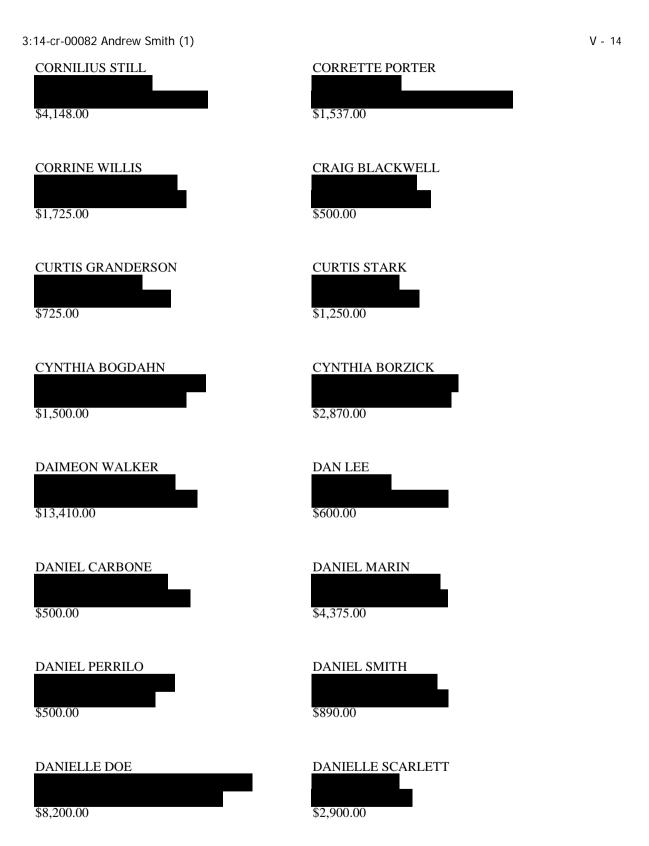
\$890.00

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CINDY ALVES

\$500.00



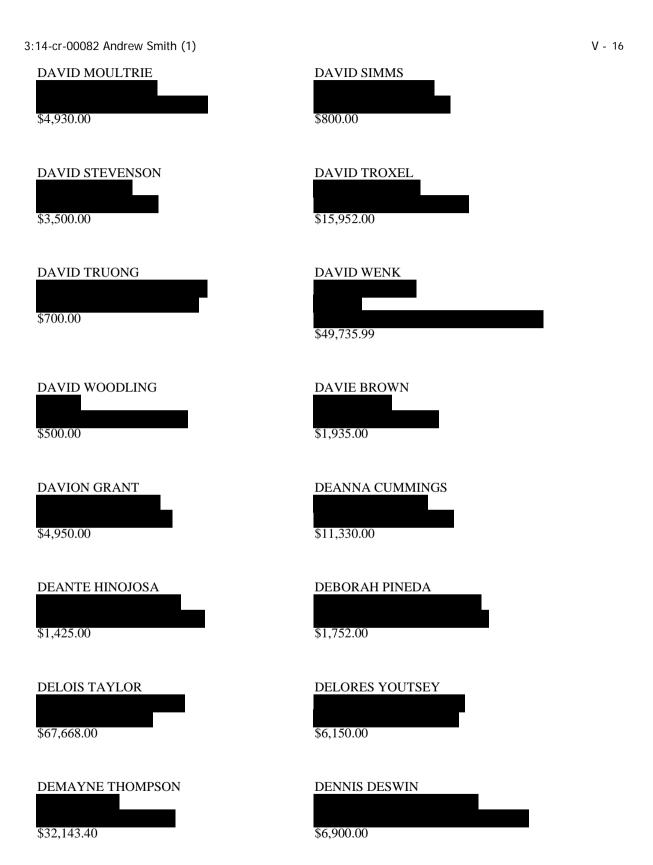
DAVID MAXWELL

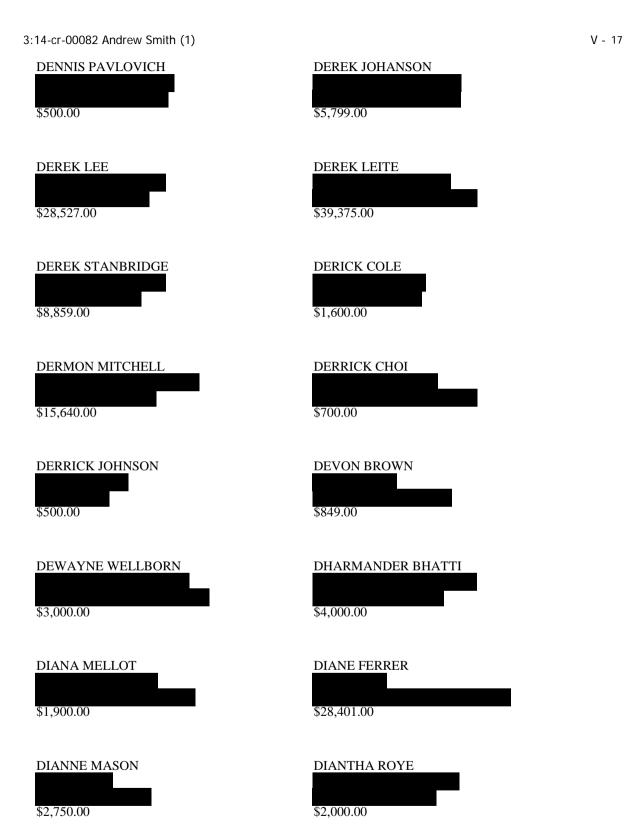
\$500.00

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DAVID MORGAN

\$1,000.00





DORIS CARTER

DOREEN HALL

DYLAN RICKENBACKER

\$529.50

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EARL HICKMAN

\$3,210.00

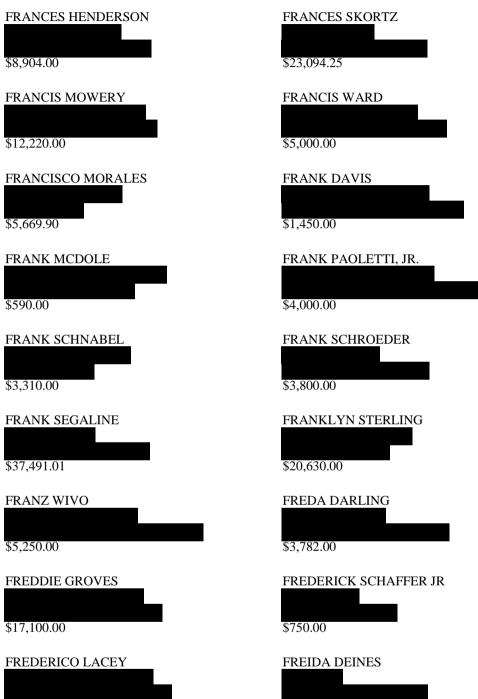
\$28,842.00

\$1,000.00

\$500.00

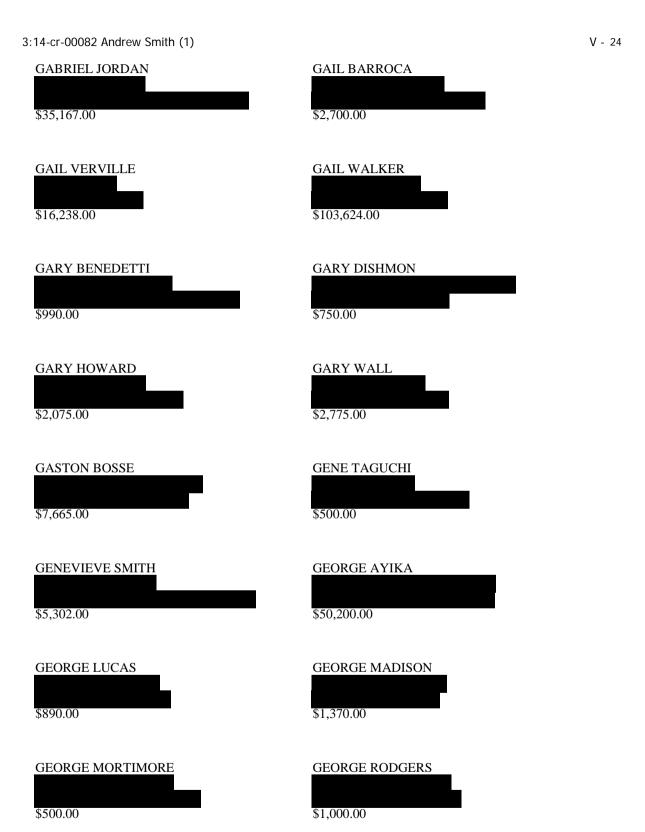
\$40,763.00





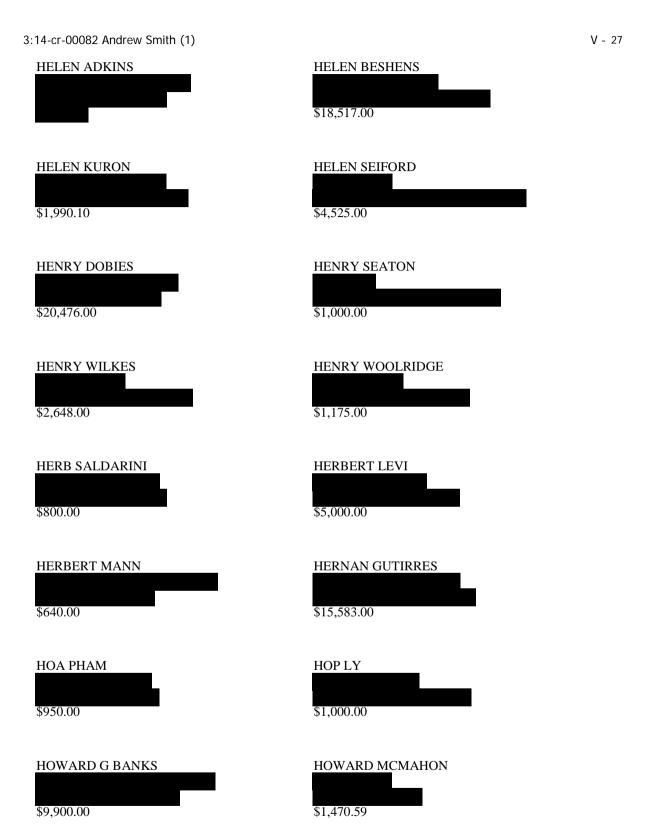
\$8,810.00

\$650.00

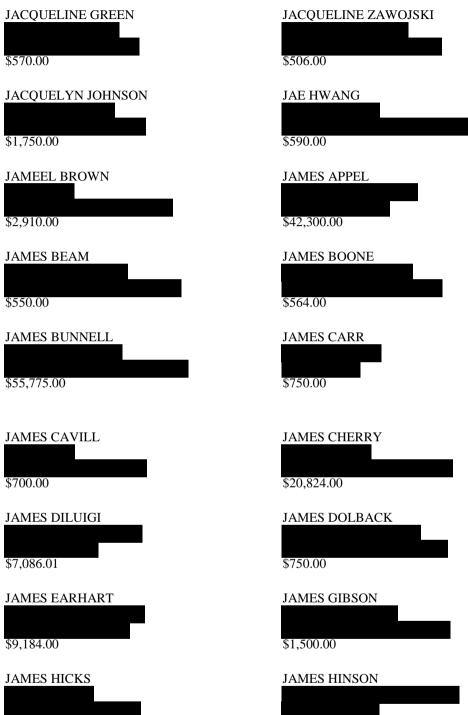


\$5,903.00

GREG LEE	GREGORY CORRIVEAU
\$500.00	\$800.00
GREGORY SHORT	GRETA WILLARD
\$800.00	\$7,658.00
GRISEL CEDENO	GROVER YOUNG
\$520.00	\$35,825.00
GUADALUPE BENZE	GUIDO KAMINSKI
\$6,395.50	\$11,706.99
GUSTAVO BARRIA	GUSTAVO SALGUERO
\$890.01	\$11,895.00
GWENDOLYN CANTRELL	HAQUIM COX
\$2,750.00	\$1,400.00
HARLON PARCHMENT	HARRY BACHMAN
\$600.00	\$520.00
HARRY LUCIER	HEBERT HARRY
\$16,250.00	\$1,800.00
HECTOR CRUZ	HECTOR RIVERA
\$1,396.10	\$91,635.25

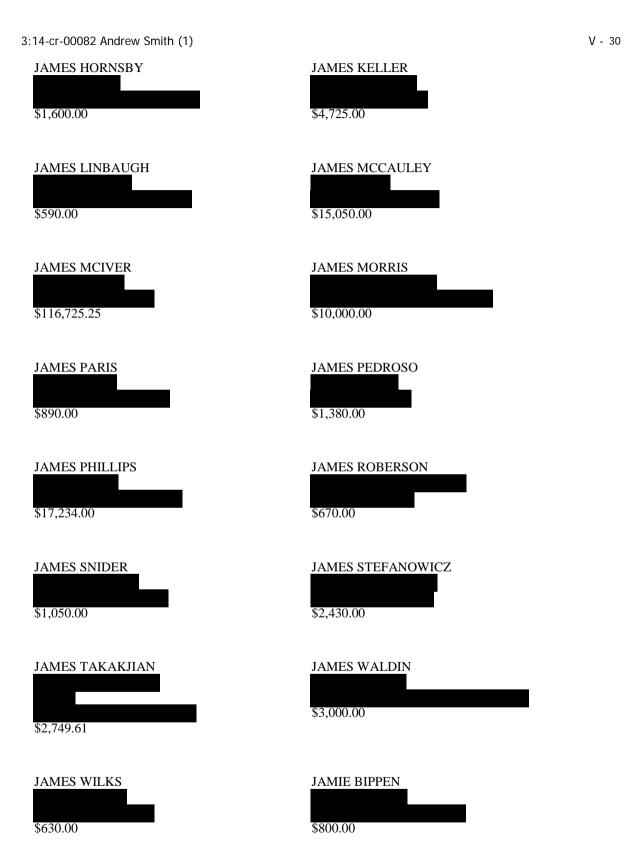






\$890.00

\$1,250.25



\$43,455.00

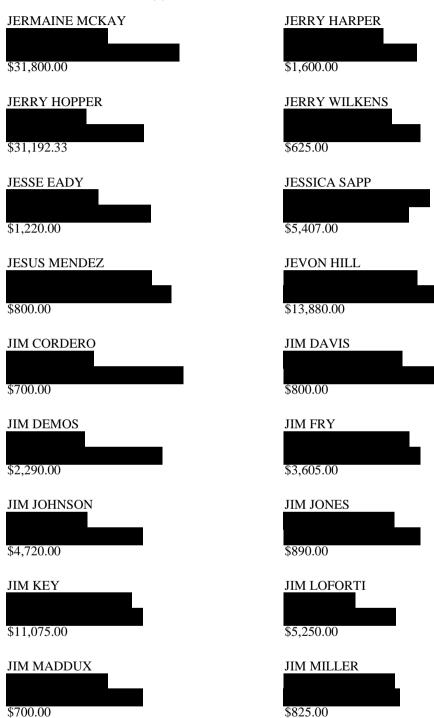
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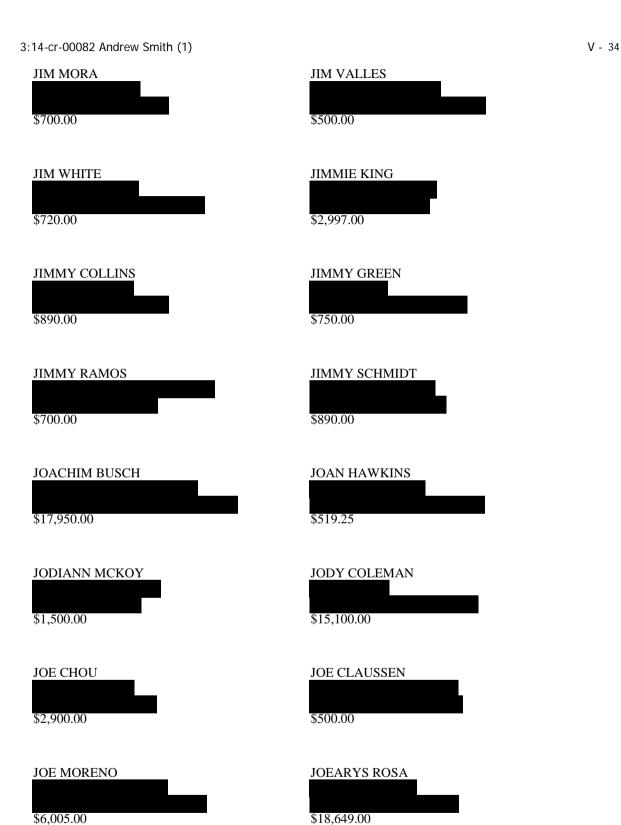
JERMAINE BURKE

\$18,234.88

JERIMIAH AYALA

\$2,696.08





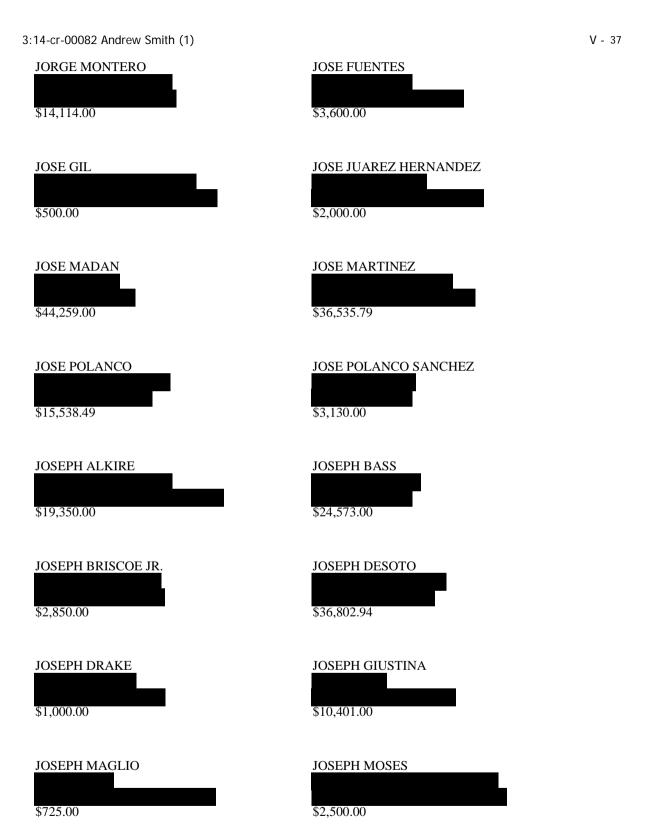
\$12,380.00

\$750.00



\$3,000.00

\$1,000.00



JUANITA SALAIZ

JUANITA RICHARDSON

KATHLEEN KITCHEN

KATHERYN SCHIMTT

\$870.00

KIMBERLY BROWN

KEVIN SHAPLIN

\$550.00

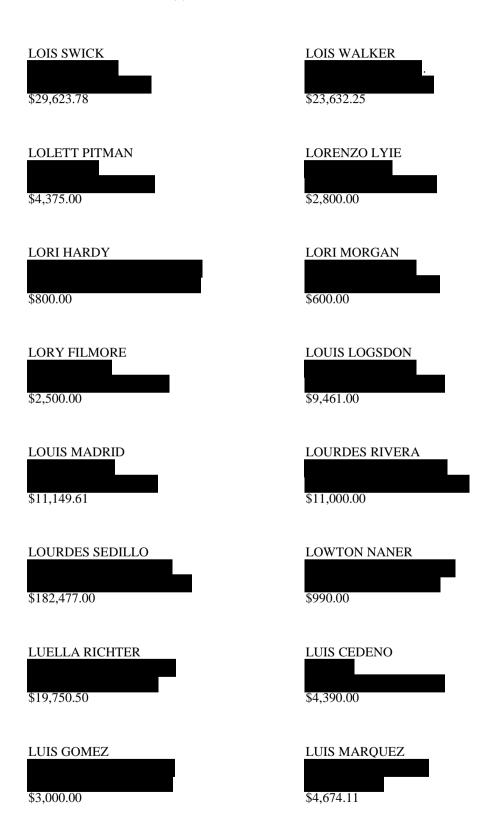


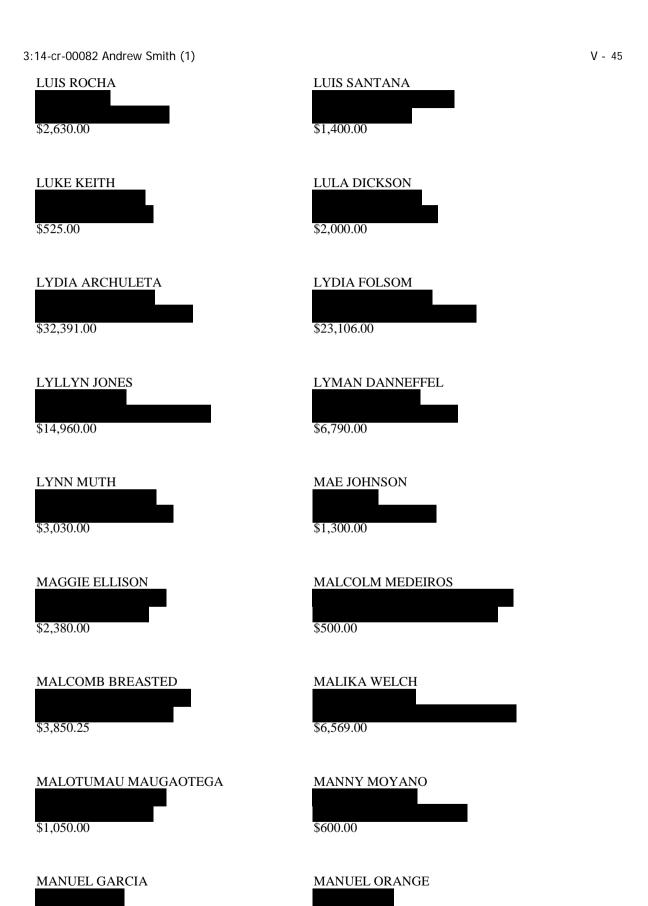
LETA WILLIAMS

LESTER KIZIS

\$922.00

\$1,500.00

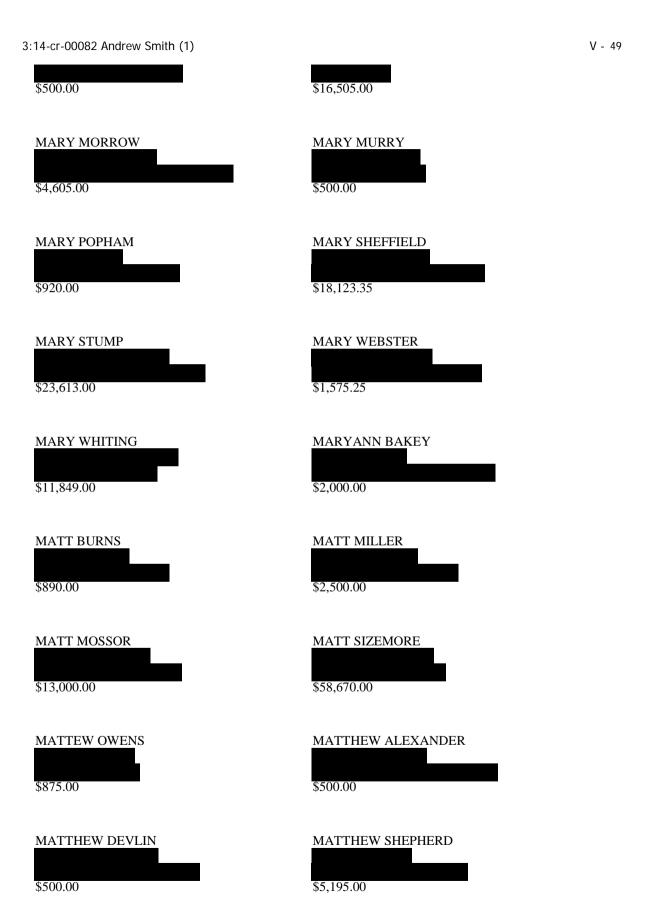


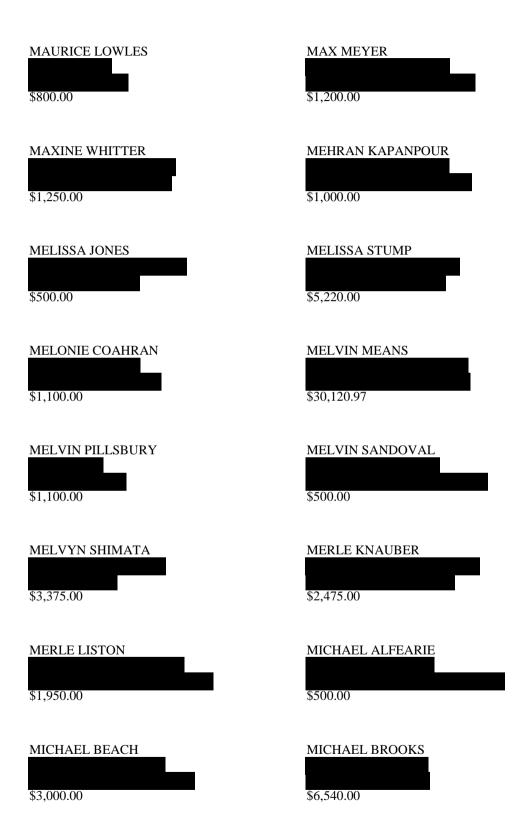


\$92,678.75

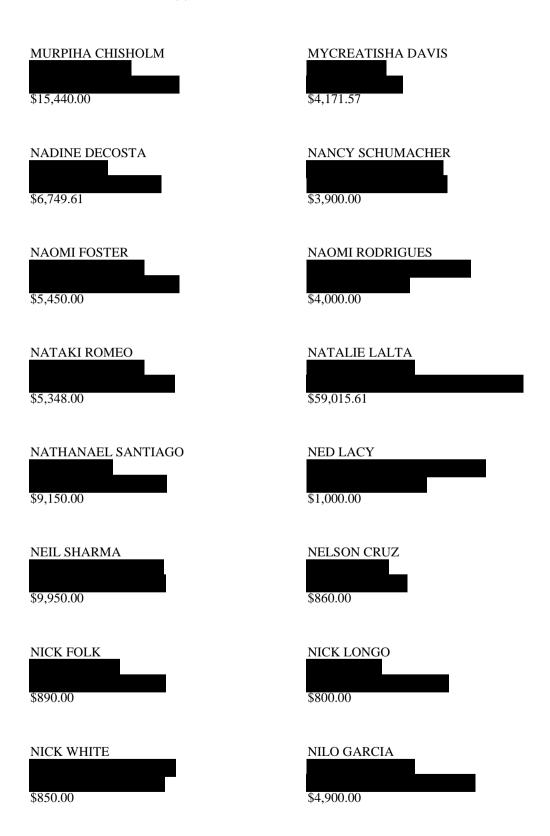
\$13,925.00











OSHANE MCKNIGHT

ORVILLE MANDT

PAUL MILLER

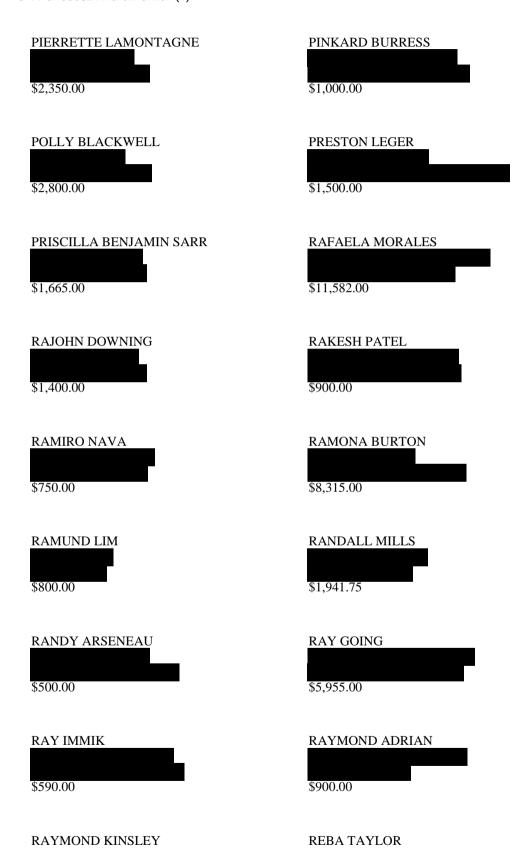
\$3,400.00

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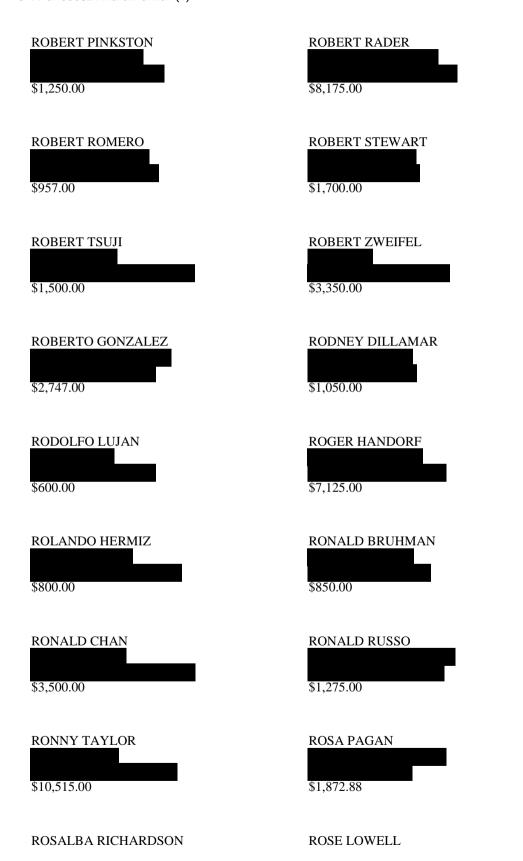
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PAUL RHINES



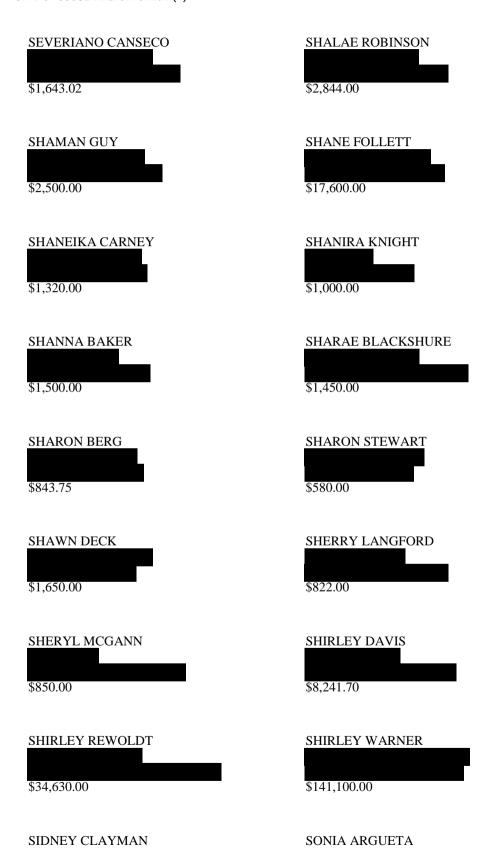


3:14-cr-00082 Andrew Smith (1)



SAMARTA TAYLOR

SAMANTHA LIVINGSTON



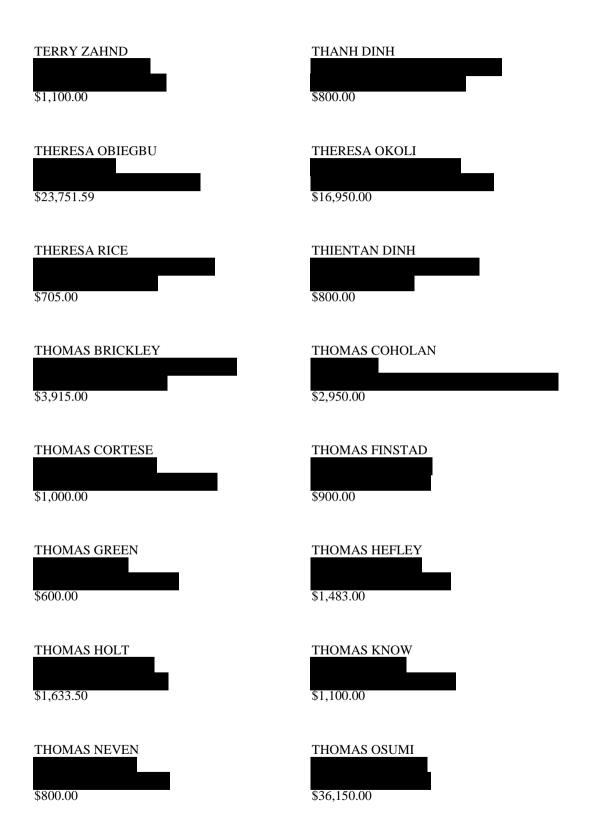
TERRELL WELLS

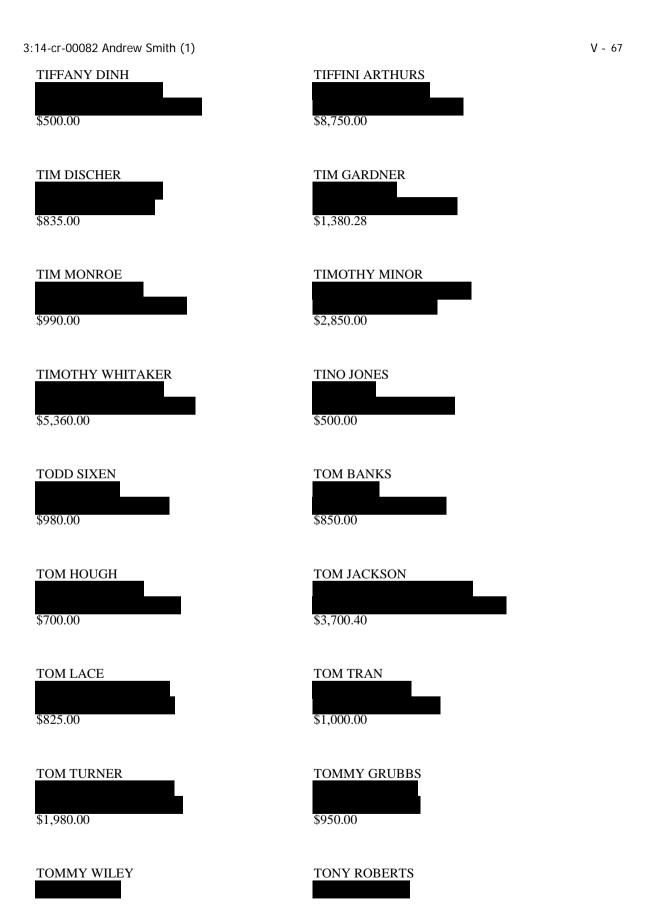
\$13,450.00

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\$75,679.00

TERRY FALCON





\$7,000.00

VICKI WRIGHT

VICKI HUGHES

\$600.00



WINIFRED WINSLOW

WINIFRED WINSLOW

ZOILA BURKEEN \$850.00

\$115,937.00

Carolyn F. Morse

\$1,290.00