

UNITED STATES DISTRICT COURT  
Southern District of New York

DOC # 19

UNITED STATES OF AMERICA

V.

J. BRYAN WILLIAMS

Date of Original SEPT. 18, 2003  
(Or Date of Last Amended Judgment)

Reason for Amendment:

- Correction of Sentence on Remand (Fed. R. Crim. P. 35(a))
- Reduction of Sentence for Changed Circumstances (Fed. R. P. 35(b))
- Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(c))
- Correction of Sentence for Clerical Mistake (Fed. R. Crim. P.

AMENDED JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: S2 03 CR 00406-001 (HB)

DAVID SCHERTLER

Defendant's Attorney

- Modification of Supervision Conditions (18 U.S.C. § 3563(c) or 3583(e))
- Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S. § 3582(c)(1))
- Modifications of Imposed Term of Imprisonment for Retroactive to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- Direct Motion to District Court Pursuant  28 U.S.C. § 2255,  18 U.S.C. § 3559(c)(7),  Modification of Restitution Order

THE DEFENDANT:

- pleaded guilty to count(s) 1 AND 2
- pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.
- was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

BUCKETED AS  
A JUDGMENT #03, 1980  
MM 10/29/03

Title & Section	Nature of Offense	Date Concluded	Count Number(s)
18 USC 371	CONSPIRACY TO DEFRAUD THE IRS	04/15/1997	1
26 USC 7201	TAX EVASION	04/30/2001	2

The defendant is sentenced as provided in pages 2 through 6 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) ALL OPEN  is  are dismissed on the motion of the United States.

IT IS FURTHER 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.

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth \_\_\_\_\_

Defendant's USM No.: 54932-054

Defendant's Residence Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant's Mailing Address: \_\_\_\_\_

SAME AS ABOVE

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

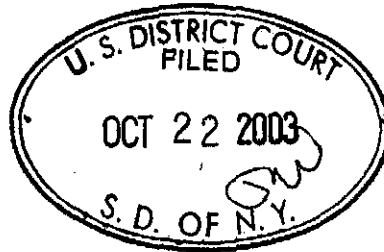
\_\_\_\_\_

OCTOBER 22, 2003  
Date of Imposition of Judgment

*[Handwritten Signature]*  
Signature of Judicial Officer

HAROLD BAER, JR., UNITED STATES DISTRICT JUDGE  
Name and Title of Judicial Officer

OCTOBER 22, 2003  
Date



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DEFENDANT: J. BRYAN WILLIAMS  
CASE NUMBER: S2 03 CR 00406-001 (HB)

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 46 MONTHS

The court makes the following recommendations to the Bureau of Prisons:  
THAT THE DEFENDANT BE INCARCERATED AT CUMBERLAND, MARYLAND, WHERE HE CAN BE EVALUATED, AND IF HE QUALIFIES, BE PERMITTED TO PARTICIPATE IN A ALCOHOL ABUSE TREATMENT PROGRAM.

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 11/19/03

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 \_\_\_\_\_

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

UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

DEFENDANT: J. BRYAN WILLIAMS  
CASE NUMBER: S2 03 CR 00406-001 (HB)

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 YEARS

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

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

The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

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 directed by the probation officer.

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk future substance abuse. (Check, if applicable.)

The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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### SPECIAL CONDITIONS OF SUPERVISION

1. THE DEFENDANT SHALL TAKE APPROPRIATE STEPS TO HAVE THE ENTIRE BALANCE OF THE SWISS BANK ACCOUNTS UNDER THE NAME OF ALQI HOLDINGS (APPROXIMATELY \$8,000,000.00) TRANSFERRED TO THE CLERK OF THE COURT NO LATER THAN NOVEMBER 17, 2003. THE CHECK SHALL BE MADE PAYABLE TO THE CLERK, UNITED STATES DISTRICT COURT, 500 PEARL STREET, NEW YORK, NEW YORK 10007, ATTN: CASHIER'S OFFICE. FROM THIS AMOUNT THAT HAS BEEN TRANSFERRED, THE DEFENDANT SHALL PAY RESTITUTION IN THE AMOUNT OF \$3,512,000.00. THE BALANCE OF THE ACCOUNT SHALL BE HELD BY THE CLERK OF THE COURT PENDING THE RESOLUTION OF THE AMOUNT THE DEFENDANT OWES THE IRS FOR PENALTIES AND INTEREST AND WHEN THAT AMOUNT IS CALCULATED IT WILL THEN BE FORWARDED TO THE APPROPRIATE IRS DIVISION.
2. 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 BACK TAXES OR PENALTIES REMAIN UNPAID.
3. THE DEFENDANT SHALL PROVIDE THE PROBATION OFFICER WITH ACCESS TO ANY REQUESTED FINANCIAL INFORMATION.
4. THE DEFENDANT SHALL NOT INCUR NEW CREDIT CHARGES OR OPEN ADDITIONAL LINES OF CREDIT WITHOUT THE APPROVAL OF THE PROBATION OFFICER UNLESS THE DEFENDANT IS IN COMPLIANCE WITH THE RESTITUTION AND FINE INSTALLMENT SCHEDULE.
5. THE MANDATORY DRUG TESTING IS SUSPENDED DUE TO THE IMPOSITION OF THIS SPECIAL CONDITION THAT THE DEFENDANT SHALL PARTICIPATE IN AN ALCOHOL AFTERCARE TREATMENT PROGRAM UNDER A CO-PAYMENT PLAN, WHICH MAY INCLUDE URINE TESTING AT THE DIRECTION AND DISCRETION OF THE PROBATION OFFICER.
6. THE DEFENDANT IS TO REPORT WITHIN 72 HOURS OF HIS RELEASE FROM CUSTODY TO THE PROBATION OFFICE NEAREST HIS RESIDENCE AND SHALL BE SUPERVISED BY THE DISTRICT OF RESIDENCE.

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**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<u>Totals:</u>	\$ 200.00	\$ 25,000.00	\$ 3,512,000.00

If applicable, restitution amount ordered pursuant to plea agreement . . . . . \$ \_\_\_\_\_

**FINE**

The above fine includes costs of incarceration and/or supervision in the amount of \$ \_\_\_\_\_ .

The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

- 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 follow:

**RESTITUTION**

- The determination of restitution is deferred until \_\_\_\_\_ . An Amended Judgment in a Criminal Case will be entered after such determination.
- The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

<u>Name of Payee</u>	<u>**Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
CLERK U.S. DISTRICT COURT 500 PEARL STREET NEW YORK, NEW YORK 10007 ATTN: CASHIER'S	BALANCE OF ACCOUNTS APPROX. \$8,000,000.00	3,512,000.00	
<b><u>Totals:</u></b>	<b>\$ 8,000,000.00</b>	<b>\$ 3,512,000.00</b>	

\*\* 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

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A  In full immediately; or
- B  \$ \_\_\_\_\_ immediately, balance due (in accordance with C, D, or E); or
- C  not later than \_\_\_\_\_ ; or
- D  in installments to commence \_\_\_\_\_ days after the date of this judgment. 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 shall request the court to establish a payment schedule if appropriate; or
- E  in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ year(s) to commence \_\_\_\_\_ days after the date of this judgment.

The defendant will be credited for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

1. THE \$200.00 SPECIAL ASSESSMENT SHALL BE PAID IMMEDIATELY.
2. THE \$3,512,000.00 RESTITUTION SHALL BE PAID NO LATER THAN NOVEMBER 17, 2003.
3. THE \$25,000.00 FINE SHALL BE PAID WITHIN 30 DAYS FROM THE DATE OF THIS JUDGMENT.

- The defendant shall pay the cost of prosecution.
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made as directed by the court, the probation officer, or the United States attorney.