

**UNITED STATES DISTRICT COURT  
District of Connecticut**

**JUDGMENT IN A CRIMINAL CASE**

UNITED STATES OF AMERICA

Case No.: 3:19-cr-00215-JCH

USM No.: 26480-014

V.

Kevin Creed

Michael S. McGarry, Assistant U.S. Attorney

Michael Moscovitz., Defendant's Attorney

The Defendant pled guilty to Count 1 of an Information.

Accordingly, the Defendant is adjudicated guilty of the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Concluded</u>	<u>Count</u>
Title 18, United States Code, §§1343	Wire Fraud	December 2018	1

The following sentence is imposed pursuant to the Sentencing Reform Act of 1984. The sentence imposed is a variance sentence based upon the very serious nature and circumstances of the offense (theft of \$1.4 million). The court views the Loss Tables as overwhelming the Guidelines calculations, resulting in a guideline range that overstates the appropriate sentence. The sentence reflects victim impact, offense conduct taking place over long period of time, balanced against the defendant's history and characteristics including amount of money defendant personally gained, and service as a state trooper, police officer and in the military. The sentence is sufficient to accomplish the purpose of sentencing.

**IMPRISONMENT**

The Defendant is ordered committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total of 42 months.

**SUPERVISED RELEASE**

Upon release from imprisonment, the Defendant shall be on Supervised Release for a total term of 3 years.

The Mandatory and Standard Conditions of Supervised Release as attached are imposed. In addition, the following Special Conditions are imposed:

- (1) The defendant shall not incur new credit card charges above \$500 or open additional lines of credit without the prior permission of the Probation Office until the defendant's criminal debt obligation is paid. The defendant shall not add any new names to any lines of credit, shall not be added as a secondary card holder on another's line of credit, and shall provide the Probation Office with

electronic, read-only access to any online management of any lines of credit, including lines of credit for businesses/LLC's that are owned, operated or otherwise associated with the defendant..

- (2) The defendant shall provide the Probation Office access to any requested financial information and authorize the release of any financial information. The Probation Office may share financial information with the U.S. Attorney's Office.
- (3) Restitution is ordered in the amount of \$1,400,000 payable to the victim, Fisher House Connecticut. Restitution payments are not due immediately and are payable in monthly installments. In the period between now (11/9/2020) and the date of self-surrender (2/10/2021) the defendant shall make monthly payments of \$300 or 10% of his gross monthly income, beginning 12/1/2020. While incarcerated, the defendant shall pay 10% of his gross income quarterly. Any amount that remains unpaid at the commencement of the term of supervised release shall be paid at a rate of no less than \$500 per month, or 10% of the defendant's gross income per month, whichever is greater. The monthly payment schedule may be adjusted based on the defendant's ability to pay as determined by the Probation Office and approved by the court. Restitution Order will issue.
- (4) The Defendant shall participate in a mental health treatment program recommended by the Probation Office and approved by the court. The Defendant must follow the rules and regulations of that program. The Probation Office, in consultation with the treatment provider, will supervise the Defendant's participation in the program. The Defendant must pay all or a portion of costs associated with treatment based on his ability to pay as recommended by the Probation Office and approved by the Court.

#### **CRIMINAL MONETARY PENALTIES**

The Defendant must pay the total criminal monetary penalties under the schedule of payments as follows:

<b>Special Assessment:</b>	\$100.00	payable to the extent not already paid.
<b>Fine:</b>	Waived	
<b>Restitution:</b>	\$1,400,000	Restitution is ordered in the amount of \$1,400,000 payable to the victim, Fisher House Connecticut. Restitution payments are not due immediately and are payable in monthly installments. In the period between now (11/9/2020) and the date of self-surrender (2/10/2021) the defendant shall make monthly payments of \$300 or 10% of his gross monthly income, beginning 12/1/2020. While incarcerated, the defendant shall pay 10% of his gross income quarterly. Any amount that remains unpaid at the commencement of the term of supervised release shall be paid at a rate of no less than \$500 per month, or 10% of the defendant's gross income per month, whichever is greater. The monthly payment schedule may be adjusted based on the defendant's ability to pay as determined by the Probation Office and approved by the court. Restitution Order will issue.

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.

**JUDICIAL RECOMMENDATION TO THE BUREAU OF PRISONS**

The Court recommends the Defendant be designated to FCI Danbury, and that he be afforded employment opportunities.

**The defendant's request for self-surrender to the custody of the Bureau of Prisons is granted. The defendant will self-surrender at noon on 2/10/2021, at a facility designated by the Bureau of Prisons. The Court anticipates that the BOP will be able to provide a designation sufficiently in advance of this date to enable the defendant to make any necessary arrangements to self-surrender at the designated facility. In the event the BOP does not provide a designation, the defendant will contact the U.S. Marshal for this District and self-surrender at a BOP facility or to the Marshal, as instructed by the Marshal.**

Date of Imposition of Sentence: 11/9/2020

/s/ Janet C. Hall

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Janet C. Hall, United States District Judge

Date: 12/21/2020

**CONDITIONS OF SUPERVISION**

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

**MANDATORY CONDITIONS**

- (1) You shall not commit another federal, state or local crime.
- (2) You shall not unlawfully possess a controlled substance.
- (3) You shall 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 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) ■ You must cooperate in the collection of DNA as directed by the Bureau of Prisons or probation officer. *(check if applicable)*
- (6) ☐ 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)*
- (7) ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

**STANDARD CONDITIONS**

As part of your supervised release, 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 your release from imprisonment, 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) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- (13) You must follow the instructions of the probation officer related to the conditions of supervision.

Upon a finding of a violation of supervised release, 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: \_\_\_\_\_  
Diahann Lewis, Deputy Clerk

**RETURN**

I have executed this judgment as follows:

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

\_\_\_\_\_  
Lawrence Bobnick  
Acting United States Marshal

By

\_\_\_\_\_  
Deputy Marshal