

# United States District Court

## Southern District of Florida

UNITED STATES OF AMERICA

v.

**GGL d/b/a Classic Motor Carriages**
**Date of Original Judgment:** 04/27/1999  
 (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. Crim. 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. 36)

**THE DEFENDANT:**

- ☒ pleaded guilty to count(s) one of a one-count information.
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

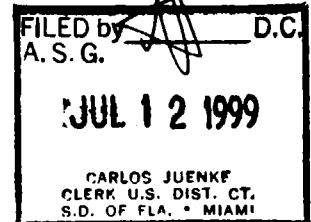
**AMENDED JUDGMENT IN A CRIMINAL CASE**

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

Case Number: **1:99CR00032-001****Gregory J. O'Connell, Esquire/ M. McIntyre-Hall, AUSA**

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.C. § 3582(c)(1))
- ☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- ☐ Direct Motion to District Court Pursuant to ☐ 28 U.S.C. § 2255,  
☐ 18 U.S.C. § 3559(c)(7), or ☐ Modification of Restitution Order

**Title & Section****18 U.S.C. § 1343****Nature of Offense****Wire fraud.**
**Date Offense**  
**Concluded**
**06/01/1996**
**Count**  
**Number(s)**
**1**

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) \_\_\_\_\_ (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.: \_\_\_\_\_

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

**100 Bay Colony Lane****Fort Lauderdale FL 33308**

Defendant's Mailing Address:

**100 Bay Colony Lane****Fort Lauderdale FL 33308****07/07/1999**

Date of Imposition of Judgment

Signature of Judicial Officer

**ALAN S. GOLD****UNITED STATES DISTRICT JUDGE**

Name &amp; Title of Judicial Officer

Date

7/12/99

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## PROBATION

The defendant is hereby placed on probation for a term of 2 year(s).

See Additional Probation Terms - Page 3

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 placement on probation 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 of 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 probation that the defendant pay any such fine or restitution 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 (if indicated below).

## 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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### **ADDITIONAL PROBATION TERMS**

As a condition of probation the defendant is ordered to make restitution totaling \$2,500,000.00 to the identified victims in this case.

\* Fine payment is payable to the U.S. COURTS and is to be addressed to: U.S. Clerk's Office, Attention: Financial Section, 301 North Miami Avenue, Room 150, Miami, Florida 33128. The fine is payable immediately. The U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

\* It is further ordered that the Defendant make restitution in the total amount of 2.5 million dollars. Of the 2.5 million dollars in restitution, the Government has acknowledged, subject to an audit by a mutually agreed upon certified public accountant, that the Defendant has already paid 2.1 million dollars to date during its customer "run-out" completed on August 15, 1998. The Defendant is ordered to place an additional \$400,000.00 into an escrow account no later than June 17, 2000, to be used specifically for aggrieved customers who want a refund of monies previously paid to the Defendant. The cost of maintaining this account shall be borne by the Defendant, its successors, or assigns. Any distributions resulting from such requests, will be decided upon and administered by the Office of the Florida Attorney General.

While on probation, the defendant shall comply with the following special conditions pursuant to the written plea agreement:

- 1) The defendant shall make periodic submissions to a mutually agreed upon CPA/forensic accountant, on a quarterly basis, reporting on the organization's financial condition and results of business operations, and accounting for disposition of all funds received. Compensation to and costs of the forensic accountant shall be paid by the defendant, and/or Auto Resolution, Inc., and Street Beasts, Inc., their successors, or assigns.
- 2) The defendant shall submit to a reasonable number of regular or unannounced examinations of its books and records at appropriate business premises by the mutually agreed upon forensic accountant and interrogation of knowledgeable individuals within the organization. Compensation to and costs of the CPA/forensic accountant shall be paid by the defendant, and/or Auto Resolution, Inc., and Street Beasts, Inc., their successors, or assigns.
- 3) The defendant shall be required to notify the U.S. Probation Office immediately upon learning of any material adverse change in its business or financial condition or prospects, or the commencement of any bankruptcy proceeding, major civil litigation in excess of \$25,000.00, criminal prosecution or administrative proceeding against the organization, or any investigation or formal inquiry by governmental authorities regarding the organization.
- 4) The defendant shall be required to make periodic payments, as specified by the Court, in the following priority: restitution; fine; and any other monetary sanction.

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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> |
|---------|-------------------|--------------|--------------------|
| Totals: | \$ 400.00         | \$ 25,000.00 | \$ 2,500,000.00    |

☐ 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 of 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 payment 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 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:

### RESTITUTION

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case will be entered after such a 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<br/>Amount of Loss</u> | <u>Amount of<br/>Restitution Ordered</u> | <u>Priority Order<br/>or Percentage<br/>of Payment</u> |
|----------------------|-----------------------------------|------------------------------------------|--------------------------------------------------------|
| U.S. Courts          |                                   | \$2,500,000.00                           |                                                        |

Totals: \$ \_\_\_\_\_ \$ 2,500,000.00

\* 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 \_\_\_\_\_ day(s) 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 \_\_\_\_\_ day(s) after the date of this judgment.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

See page 3 for details.

☐ 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.

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### STATEMENT OF REASONS

☐ The court adopts the factual findings and guideline application in the presentence report.

OR

☒ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

The Court determined that the loss is \$3,704,000.00 for guideline calculations for the base fine amount.

#### Guideline Range Determined by the Court:

Total Offense Level: 23

Criminal History Category: N/A

Imprisonment Range: N/A

Supervised Release Range: N/A

Fine Range: \$ 5,185,600.00 to \$ 10,371,200.00

☐ Fine waived or below the guideline range because of inability to pay.

Total Amount of Restitution: \$ 2,500,000.00

☐ Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims, pursuant to 18 U.S.C. § 3663(d).

☐ For offenses committed on or after September 13, 1994 but before April 23, 1996 that require the total amount of loss to be stated, pursuant to Chapters 109A, 110, 110A, and 113A of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.

☐ Partial restitution is ordered for the following reason(s):

☒ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

☐ The sentence departs from the guideline range:

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following specific reason(s):