

UNITED STATES DISTRICT COURT
Eastern District of Virginia
Alexandria Division

UNITED STATES OF AMERICA

V.

Case Number: 1:08CR00437-001

USM Number: 73310-083

PRESTON PINKETT
Defendant.

Defendant's Attorney:
Jeremy Kamens, Esquire

JUDGMENT IN A CRIMINAL CASE

The defendant pleaded guilty to Count 1 of the Criminal Information.

The defendant is adjudicated guilty of these offenses.

| <u>Title and Section</u> | <u>Nature of Offense</u> | <u>Offense Class</u> | <u>Offense Ended</u> | <u>Count</u> |
|--------------------------|---------------------------------|----------------------|----------------------|--------------|
| 18 U.S.C. § 1349 | Conspiracy To Commit Mail Fraud | Felony | December 2006 | 1 |

As pronounced on September 29, 2009, 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.

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 restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

Signed this 29th day of Sept. 2009.

ls/ [Signature]
Liam O'Grady
United States District Judge

Defendant's Name: **PRESTON PINKETT**
Case Number: **1:08CR00437-001**

IMPRISONMENT

The defendant is hereby committed into the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **THIRTY SIX (36) MONTHS.**

The defendant shall surrender for service of sentence once designated by the Bureau of Prisons as directed by the probation officer.

The Court makes the following recommendations to the Bureau of Prisons:

- 1) that the defendant be designated to FCI Cumberland, Maryland, to be near his family.
- 2) that the defendant be evaluated for designation to a medical facility.

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 UNITED STATES MARSHAL

Defendant's Name: PRESTON PINKETT
Case Number: 1:08CR00437-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **THREE (3) YEARS**. The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

The defendant shall report to the probation office in the district to which the defendant is released within 72 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 unlawfully possess or use a controlled substance. Unless mandatory drug testing is waived, the defendant shall submit to one drug test within 15 days of release from custody and periodic drug tests thereafter, as determined by the Court.

The above drug testing condition is suspended, based on the court's determination that the defendant poses low risk of future substance abuse.

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release 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.

STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with the standard conditions that have been adopted by this court as well as with any special 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 dependants 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 at least ten days before any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance or any paraphernalia related to such substances, except as prescribed by a physician;
- 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 72 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 as an 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.

Defendant's Name: PRESTON PINKETT
Case Number: 1:08CR00437-001

SPECIAL CONDITIONS OF SUPERVISION

While on supervised release, pursuant to this Judgment, the defendant shall also comply with the following additional special conditions:

- 1) The defendant shall not incur new credit card charges or open additional lines of credit without the approval of the probation officer.
- 2) The defendant shall provide the probation officer with access to requested financial information.
- 3) As reflected in the presentence report, the defendant presents a low risk of future substance abuse and therefore, the Court hereby suspends the mandatory condition for substance abuse testing as defined by 18 U.S.C. 3563 (a)(5). However, this does not preclude the United States Probation Office from administering drug tests as they deem appropriate.
- 4) As directed by the probation officer, the defendant shall apply monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
- 5) The defendant shall pay restitution in the amount of \$18,774,989.21 in monthly payments to be determined by the probation officer to commence within 60 days of release, until paid in full. (SEE ATTACHED RESTITUTION JUDGMENT).

Defendant's Name: PRESTON PINKETT
Case Number: 1:08CR00437-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

| <u>Count</u> | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
|----------------|-------------------|---------------|------------------------|
| 1 | \$100.00 | \$0.00 | \$18,774,989.21 |
| TOTALS: | \$100.00 | \$0.00 | \$18,774,989.21 |

No fines have been imposed in this case.

The Court waives the cost of prosecution, incarceration, and supervised release.

The defendant must make restitution (including community restitution) to the following payees in the amount listed

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C Section 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>Count</u> | <u>Total Loss*</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|-----------------------------------|--------------|--------------------|--------------------------------|-----------------------------------|
| SEE ATTACHED RESTITUTION JUDGMENT | 1 | \$0.00 | \$18,774,989.21 | |
| TOTALS: | | \$0.00 | \$18,774,989.21 | |

Payments of Restitution are to be made payable to Clerk, U.S. District Court.

The interest requirement is waived for the restitution.

Defendant's Name: **PRESTON PINKETT**
Case Number: **1:08CR00437-001**

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

The special assessment shall be due in full immediately.

The restitution shall be paid as directed by the probation officer.

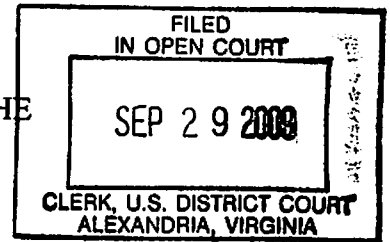
Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.

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

Payments shall be applied in the following order: (1) assessment (2) restitution principal (3) restitution interest (4) principal (5) fine interest (6) community restitution (7) penalties and (8) costs, including cost of prosecution and costs.

Nothing in the court's order shall prohibit the collection of any judgment or fine by the United States.

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA)
)
 v.) CASE NO. 1:08-CR-437
)
 PRESTON DAVID PINKETT, II,)
)
 Defendant.)

RESTITUTION JUDGMENT

1. The defendant is sentenced to pay, as restitution, \$18,774,989.21.
2. The amount of restitution paid to any victim shall not exceed the victim's total loss from the offense of conviction.
3. The victims' names and addresses, and each victim's total loss, is listed in Attachment A to this Restitution Judgment.
4. Interest:
 is waived.
 accrues as provided in 18 U.S.C. § 3612(f).
5. Restitution is due immediately, and notwithstanding any other provision of this Restitution Judgment, the Government may enforce restitution at any time. The defendant shall make a bona fide effort to pay restitution in full as soon as practical.

If the defendant does not make full payment within 15 days of this Restitution Judgment, the defendant shall forthwith surrender all funds in his Bank of America personal checking Account #XXXXXX9154, and pay those funds over to the Clerk of Court. The amount paid to the Clerk shall be credited toward the defendant's restitution obligation. Additionally, the defendant shall make monthly payments as specified in Paragraph 7 of the Restitution Judgment.

6. If incarcerated, the defendant shall participate in the Bureau of Prisons' Inmate Financial Responsibility Program at a rate of at least \$25 per quarter, or if assigned as a UNICOR grade 1 through 4 employee, at least 50% of the prisoner's monthly pay.

7. The defendant shall pay to the Clerk at least \$ to be determined by the probation officer per month beginning 60 days after release.
8. All payments shall be made to the Clerk of Court, United States District Court, 401 Courthouse Square, Alexandria, VA 22314.
9. The defendant shall notify, within 30 days, the Clerk of Court and the United States Attorney's Office, Financial Litigation Unit, 8000 World Trade Center, Norfolk, VA 23510 of: (a) Any change of name, residence, or mailing address; and (b) Any material change in economic circumstances that affects the ability to pay restitution.
10. No delinquent or default penalties will be imposed except upon Order of the Court.
11. Priority of Payments to Victims.

As there is more than one victim, and full amount due as restitution has not been paid, the Clerk shall make payments in \$100.00 increments to each of the victims until all victims have been paid in full. The victim owed the least shall receive the first payment, the victim owed the second least shall receive the second payment, and so on in the order as listed in Attachment A to this Restitution Judgment until all victims have been paid in full.

Is/ log

Liam O'Grady
United States District Judge
LIAM O'GRADY
UNITED STATES DISTRICT JUDGE

ENTERED this 29th day of September, 2009.

at Alexandria, Virginia

WE ASK FOR THIS:

Neil H. MacBride
United States Attorney



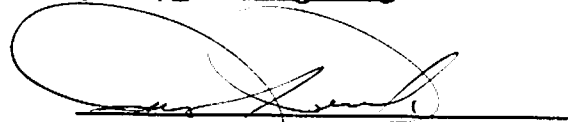
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SEEN AND AGREED:

Preston David Pinkett, II
Defendant



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Preston David Pinkett, II
Defendant