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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2012 Grand Jury

UNITED STATES OF AMERICA,
Plaintiff,

v.

GODWIN ONYEABOR,
DR. SRI J. WIJEGUNARATNE,
aka "Dr. J," and
HEIDI MORISHITA,
Defendants.

CR No. 12-905(A)-R

F I R S T
S U P E R S E D I N G
I N D I C T M E N T

[18 U.S.C. § 1349; Conspiracy
to Commit Health Care Fraud;
18 U.S.C. § 1347; Health Care
Fraud; 18 U.S.C. § 2: Causing
an Act to be Done; 18 U.S.C.
§ 371: Conspiracy to Pay and
Receive Health Care Kickbacks
in Violation of 42 U.S.C.
§§ 1320a-7b(b) (1) (A) and
(2) (A)]

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 1349]

A. INTRODUCTORY ALLEGATIONS

At all times relevant to this First Superseding Indictment:

The Conspirators

1. Victoria N. Onyeabor ("V. Onyeabor") was the President,

1 Chief Executive Officer, and Registered Agent for Fendih Medical
2 Supply Inc. ("Fendih"), a supplier of durable medical equipment
3 ("DME"), primarily power wheelchairs ("PWCs"), located in San
4 Bernadino, California.

5 2. Defendant GODWIN ONYEABOR ("G. ONYEABOR") was the
6 Secretary of Fendih. Among his duties, defendant G. ONYEABOR
7 delivered PWCs for Fendih.

8 3. Defendant DR. SRI J. WIJEGUNARATNE, also known as
9 ("aka") "Dr. J," was a physician licensed to practice medicine in
10 the State of California. Defendant WIJEGUNARATNE wrote medically
11 unnecessary PWC prescriptions and sold them to Fendih.

12 4. Defendant HEIDI MORISHITA ("MORISHITA") obtained
13 medically unnecessary PWC prescriptions and sold them to Fendih.

14 5. On or about September 20, 2005, V. Onyeabor registered
15 as the sole Incorporator and Registered Agent of Fendih in State
16 of California records.

17 6. In or around October 2005, V. Onyeabor opened a
18 corporate bank account for Fendih at Wells Fargo Bank, account
19 number xxxxxx8370. V. Onyeabor maintained sole signature
20 authority on this account.

21 7. On or about May 22, 2006, V. Onyeabor executed and
22 submitted an application to Medicare to obtain and maintain a
23 Medicare provider number for Fendih.

24 8. On or about March 15, 2007, V. Onyeabor executed and
25 submitted an electronic funds transfer agreement ("EFT") to
26 Medicare, requesting that all future reimbursements from Medicare
27 be directly deposited into Fendih's Wells Fargo corporate
28 account.

1 9. On or about January 23, 2009, V. Onyeabor opened a
2 second corporate bank account for Fendih at Citibank, account
3 number xxxxx4256. V. Onyeabor maintained sole signature
4 authority on this account.

5 10. On or about February 3, 2009, V. Onyeabor executed and
6 submitted an amended EFT agreement to Medicare, requesting that
7 all future reimbursements from Medicare be directly deposited
8 into Fendih's Citibank corporate account.

9 11. Between on or about January 9, 2007, and on or about
10 February 18, 2012, Fendih submitted to Medicare claims totaling
11 approximately \$1,498,155 for purported PWCs and related services,
12 and Medicare paid Fendih approximately \$978,818 on those claims.

13 The Medicare Program

14 12. Medicare was a federal health care benefit program,
15 affecting commerce, that provided benefits to individuals who
16 were over the age of 65 or disabled. Medicare was administered
17 by the Centers for Medicare and Medicaid Services ("CMS"), a
18 federal agency under the United States Department of Health and
19 Human Services ("HHS").

20 13. CMS contracted with private insurance companies to (a)
21 certify DME providers for participation in the Medicare program
22 and monitor their compliance with Medicare standards; (b) process
23 and pay claims; and (c) perform program safeguard functions, such
24 as identifying and reviewing suspect claims.

25 14. Individuals who qualified for Medicare benefits were
26 referred to as Medicare "beneficiaries." Each Medicare
27 beneficiary was given a Health Identification Card containing a
28 unique identification number ("HICN").

1 15. DME companies, physicians, and other health care
2 providers that provided medical services that were reimbursed by
3 Medicare were referred to as Medicare "providers."

4 16. To obtain payment from Medicare, a DME company first
5 had to apply for and obtain a provider number. By signing the
6 provider application, the DME company agreed to abide by Medicare
7 rules and regulations.

8 17. If Medicare approved a provider's application, Medicare
9 would assign the provider a Medicare provider number, enabling
10 the provider (such as a DME company) to submit claims to Medicare
11 for services and supplies provided to Medicare beneficiaries.

12 18. To obtain and maintain their Medicare provider number
13 billing privileges, DME suppliers had to meet Medicare standards
14 for participation. The Medicare contractor responsible for
15 evaluating and certifying DME providers' compliance with these
16 standards was Palmetto GBA ("Palmetto").

17 19. From in or about October 2006 through the date of this
18 Indictment, Noridian Administrative Services ("Noridian")
19 processed and paid Medicare DME claims in Southern California.

20 20. Most DME providers, including Fendih, submitted their
21 claims electronically pursuant to an agreement with Medicare that
22 they would submit claims that were accurate, complete, and
23 truthful.

24 21. Medicare paid DME providers only for DME that was
25 medically necessary to the treatment of a beneficiary's illness
26 or injury, was prescribed by a beneficiary's physician, and was
27 provided in accordance with Medicare regulations and guidelines
28

1 that governed whether a particular item or service would be paid
2 by Medicare.

3 22. To bill Medicare for DME it provided to a beneficiary,
4 a DME provider was required to submit a claim (Form 1500).
5 Medicare required claims to be truthful, complete, and not
6 misleading. In addition, when a claim was submitted, the
7 provider was required to certify that the services or supplies
8 covered by the claim were medically necessary.

9 23. Medicare required a claim for payment to set forth,
10 among other things, the beneficiary's name and HICN, the type of
11 DME provided to the beneficiary, the date the DME was provided,
12 and the name and unique physician identification number ("UPIN")
13 or national provider identifier ("NPI") of the physician who
14 prescribed or ordered the DME.

15 24. Medicare had a co-payment requirement for DME.
16 Medicare reimbursed providers 80% of the allowed amount of a DME
17 claim and the beneficiary was ordinarily obligated to pay the
18 remaining 20%.

19 B. THE OBJECT OF THE CONSPIRACY

20 25. Beginning on or about January 9, 2007, and continuing
21 through on or about February 18, 2012, in San Bernardino County,
22 within the Central District of California, and elsewhere,
23 defendants G. ONYEABOR and WIJEGUNARATNE, together with others
24 known and unknown to the Grand Jury, including but not limited to
25 V. Onyeabor, knowingly combined, conspired, and agreed to commit
26 health care fraud, in violation of Title 18, United States Code,
27 Section 1347.

28

1 C. THE MANNER AND MEANS OF THE CONSPIRACY

2 26. The object of the conspiracy was carried out, and to be
3 carried out, in substance, as follows:

4 a. Defendant G. ONYEABOR and V. Onyeabor would pay
5 individuals, including defendants WIJEGUNARATNE and Heidi
6 Morishita, for medically unnecessary PWC prescriptions for the
7 purpose of using those prescriptions to submit, and cause the
8 submission of, false and fraudulent claims to Medicare on behalf
9 of Fendih.

10 b. After acquiring the false and fraudulent PWC
11 prescriptions, V. Onyeabor and her co-conspirators would submit,
12 and cause the submission of, false and fraudulent claims to
13 Medicare for PWCs and related accessories that were purportedly
14 provided by Fendih to Medicare beneficiaries.

15 c. As a result of the submission of false and
16 fraudulent claims, Medicare would make payments to Fendih's
17 corporate bank accounts at Wells Fargo and Citibank.

18 d. Defendant G. ONYEABOR and V. Onyeabor would then.
19 transfer and disburse, and caused the transfer and disbursement
20 of, monies from Fendih's corporate bank accounts to themselves
21 and defendant MORISHITA. Defendant G. ONYEABOR and V. Onyeabor
22 would also transfer and disburse, and caused the transfer and
23 disbursement of, cash payments to defendants WIJEGUNARATNE and
24 Heidi Morishita from Medicare proceeds.

1 D. THE EXECUTION OF THE FRAUDULENT SCHEME

2 30. On or about the dates set forth below, within the
 3 Central District of California and elsewhere, the defendants
 4 referenced below, together with others known and unknown to the
 5 Grand Jury, including but not limited to V. Onyeabor, for the
 6 purpose of executing and attempting to execute the fraudulent
 7 scheme described above, knowingly and willfully caused to be
 8 submitted to Medicare for payment the following false and
 9 fraudulent claims purportedly for power wheelchairs and related
 10 accessories:

<u>COUNT</u>	<u>DEF- ENDANT (S)</u>	<u>BENE- FIARY</u>	<u>CLAIM NUMBER</u>	<u>DATE BILLED TO MEDICARE</u>	<u>AMOUNT BILLED TO MEDICARE</u>
TWO	G. ONYEABOR	M.S.	108031816780 000	01/30/08	\$4,500
THREE	G. ONYEABOR	J.V.T.	108032848386 000	01/30/08	\$4,500
FOUR	G. ONYEABOR	V.B.	109127804663 000	05/05/09	\$4,500
FIVE	G. ONYEABOR	C.U.	109177805972 000	06/25/09	\$4,500
SIX	G. ONYEABOR	C.T.	109229812863 000	08/15/09	\$4,500
SEVEN	G. ONYEABOR, and WIJEGUN- ARATNE	T.S.	11084806604 000	03/21/11	\$2,800
EIGHT	G. ONYEABOR, and WIJEGUN- ARATNE	E.S.	11088807306 000	03/28/11	\$2,800

<u>COUNT</u>	<u>DEF- ENDANT(S)</u>	<u>BENE- FICIARY</u>	<u>CLAIM NUMBER</u>	<u>DATE BILLED TO MEDICARE</u>	<u>AMOUNT BILLED TO MEDICARE</u>
NINE	G. ONYEABOR, and WIJEGUN- ARATNE	M.B.	11105808986 000	03/28/11	\$2,800
TEN	G. ONYEABOR, and WIJEGUN- ARATNE	M.P.	111088476380 00	04/20/11	\$2,800
ELEVEN	G. ONYEABOR, and WIJEGUN- ARATNE	W.W.	111158413470 00	04/23/11	\$2,800
TWELVE	G. ONYEABOR, and WIJEGUN- ARATNE	R.L.V.	111368330650 00	05/14/11	\$2,800

COUNT THIRTEEN

[18 U.S.C. §§ 371 and 2(b)]

A. INTRODUCTORY ALLEGATIONS

31. The Grand Jury incorporates by reference and re-alleges paragraphs 1 through 24 above of this First Superseding Indictment as though set forth in their entirety herein.

B. OBJECT OF THE CONSPIRACY

32. Beginning at least as early as on or about March 12, 2009, and continuing through at least on or about February 18, 2012, in San Bernardino County, within the Central District of California, and elsewhere, defendants G. ONYEABOR, WIJEGUNARATNE, and MORISHITA, together with others known and unknown to the Grand Jury, including but not limited to V. Onyeabor, knowingly combined, conspired, and agreed to pay and receive kickbacks for patient referrals, in violation of Title 42, United States Code, Sections 1320a-7b(b)(1)(A) and (2)(A).

C. THE MANNER AND MEANS OF THE CONSPIRACY

33. The object of the conspiracy was carried out, and to be carried out, in substance, as follows:

a. V. Onyeabor would maintain a valid Medicare provider number for Fendih in order to submit claims to Medicare for DME.

b. Defendant WIJEGUNARATNE would provide DME prescriptions to Fendih.

c. Defendant MORISHITA would provide DME prescriptions to Fendih.

1 d. Defendant G. ONYEABOR and V. Onyeabor would pay,
2 and cause to be paid, kickbacks to defendants WIJEGUNARATNE and
3 MORISHITA in return for DME prescriptions that Fendih would use
4 to submit claims to Medicare.

5 C. OVERT ACTS

6 34. In furtherance of the conspiracy and to accomplish its
7 object, defendants G. ONYEABOR, WIJEGUNARATNE, and MORISHITA,
8 together with others known and unknown to the Grand Jury,
9 including but not limited to V. Onyeabor, committed and willfully
10 caused others to commit the following overt acts, among others,
11 within the Central District of California and elsewhere:

12 Overt Act No. 1: On or about May 16, 2009, defendant G.
13 ONYEABOR and V. Onyeabor paid and caused to be paid \$3,000 to
14 defendant MORISHITA. This check, which was drawn upon Fendih's
15 Citibank account number xxxxx4256 (check number #576),
16 represented kickbacks for DME prescriptions provided by defendant
17 MORISHITA to Fendih.

18 Overt Act No. 2: On or about June 19, 2009, defendant G.
19 ONYEABOR and V. Onyeabor paid and caused to be paid \$2,000 to
20 defendant MORISHITA. This check, which was drawn upon Fendih's
21 Citibank account number xxxxx4256 (check number #604),
22 represented kickbacks for DME prescriptions provided by defendant
23 MORISHITA to Fendih.

24 Overt Act No. 3: On or about July 24, 2009, defendant G.
25 ONYEABOR and V. Onyeabor paid and caused to be paid \$3,000 to
26 defendant MORISHITA. This check, which was drawn upon Fendih's
27 Citibank account number xxxxx4256 (check number #508),
28

1 represented kickbacks for DME prescriptions provided by defendant
2 MORISHITA to Fendih.

3 Overt Act No. 4: In or around March 2011, defendant
4 WIJEGUNARATNE paid and caused to be paid cash kickbacks to "CC-
5 1," the administrator at a residential health care facility
6 ("RHF") located in the Central District of California. In
7 exchange for these kickbacks, CC-1 gave defendant WIJEGUNARATNE
8 access to the patients at the RHF, and helped defendant
9 WIJEGUNARATNE to identify patients for whom defendant
10 WIJEGUNARATNE could prescribe PWCs.

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1 Overt Act No. 5: In or around March 2011, defendant G.
2 ONYEABOR and V. Onyeabor paid and caused to be paid cash
3 kickbacks to defendant WIJEGUNARATNE for DME prescriptions
4 provided by defendant WIJEGUNARATNE to Fendih, including but not
5 limited to those prescriptions generated pursuant to defendant
6 WIJEGUNARATNE's arrangement with CC-1 at the RHF.

7
8
9 A TRUE BILL

10
11 Foreperson

12
13
14
15 ANDRÉ BIROTTE JR.
United States Attorney

16
17 Assistant United States Attorney
18 Chief, Criminal Division

19 RICHARD E. ROBINSON
Assistant United States Attorney
20 Chief, Major Frauds Section

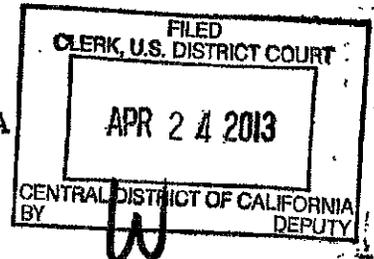
21 SAM SHELDON
Deputy Chief, Fraud Section
22 United States Department of Justice

23 CHARLES LA BELLA
Deputy Chief, Fraud Section
24 United States Department of Justice

25 O. BENTON CURTIS, III
Assistant Chief, Fraud Section
26 United States Department of Justice

27 FRED MEDICK
Trial Attorney, Fraud Section
28 United States Department of Justice

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA



UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
GODWIN ONYEABOR,)
)
Defendant.)
_____)

CASE NO. CR-12-905(A) -R

V E R D I C T

We the jury in the above-entitled cause, find the defendant

GODWIN ONYEABOR

Guilty as charged in count one of the 1st
(Guilty/Not Guilty) superseding indictment.

Guilty as charged in count two of the 1st
(Guilty/Not Guilty) superseding indictment.

Guilty as charged in count three of the 1st
(Guilty/Not Guilty) superseding indictment.

Guilty as charged in count four of the 1st
(Guilty/Not Guilty) superseding indictment.

VERDICT - ONYEABOR - continued on PAGE TWO

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VERDICT - GODWIN ONYEABOR - PAGE TWO

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Guilty as charged in count five of the 1st
(Guilty/Not Guilty) superseding indictment.

Guilty as charged in count six of the 1st
(Guilty/Not Guilty) superseding indictment.

Guilty as charged in count seven of the 1st
(Guilty/Not Guilty) superseding indictment.

Guilty as charged in count eight of the 1st
(Guilty/Not Guilty) superseding indictment.

Guilty as charged in count nine of the 1st
(Guilty/Not Guilty) superseding indictment.

Guilty as charged in count ten of the 1st
(Guilty/Not Guilty) superseding indictment.

Guilty as charged in count eleven of the 1st
(Guilty/Not Guilty) superseding indictment.

VERDICT - ONYEABOR - continued on PAGE THREE

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VERDICT - GODWIN ONYEABOR - PAGE THREE

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Guilty as charged in count twelve of the 1st
(Guilty/Not Guilty) superseding indictment.

Guilty as charged in count thirteen of the 1st
(Guilty/Not Guilty) superseding indictment.

Dated: 4/24/13
at Los Angeles, California


FOREPERSON OF THE JURY

United States District Court
Central District of California

UNITED STATES OF AMERICA vs.

CR 12-905(A)-R

Defendant GODWIN ONYEABOR

S.S.#-----

Residence: 2636 South Quaker Ridge
Ontario, CA 91761

Mailing: SAME

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person, on: SEPTEMBER 9, 2013
Month / Day / Year

COUNSEL:

 WITHOUT COUNSEL

However, the court advised defendant of right to counsel and asked if defendant desired to have counsel appointed by the Court and the defendant thereupon waived assistance of counsel.

 XX WITH COUNSEL Mark Chambers, appointed

 PLEA:

 GUILTY, and the Court being satisfied that there is a factual basis for the plea.

 NOLO CONTENDERE

 XX NOT GUILTY

FINDING:

There being a jury verdict of XX GUILTY, defendant has been convicted as charged of the offense(s) of: Conspiracy to commit health care fraud in violation of Title 18 USC 1349 as charged in count 1 of the first superseding indictment. Health care fraud, causing an act to be done in violation of Title 18 USC 1347, 2(b) as charged in counts 2 through 12 of the first superseding indictment. Conspiracy to pay and receive health care kickbacks, and causing an act to be done in violation of Title 18 USC 371, 2(b) as charged in count 13 of the first superseding indictment.

JUDGMENT AND PROBATION/COMMITMENT ORDER:

The Court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgement of the court the defendant is hereby committed to the Bureau of Prisons to be imprisoned for a term of:

Fifty-one (51) months.

The term consists of 51 months on each of counts 1 and 13, and 33 months on each of counts 2 through 12 of the first superseding indictment, all such terms to be served concurrently.

IT IS FURTHER ADJUDGED that upon release from imprisonment defendant shall be placed on supervised release for three (3) years. The term consists of 3 years on each of counts 1 through 13 of the first superseding indictment, all such terms to run concurrently under the following terms and conditions: the defendant 1) shall comply with the rules and regulations of the U.S. Probation Office and General Order 05-02, and General Order 01-05, including the three special conditions delineated in General Order 01-05; 2) shall refrain from any unlawful use of a controlled substance, and shall submit to 1 drug test within 15 days of release from imprisonment and at least 2 periodic

-- GO TO PAGE TWO --

 KTI

Deputy Clerk

U.S.A. V. GODWIN ONYEABOR

CR 012-905(A) -R

-- CONTINUED FROM PAGE ONE --

PAGE TWO

JUDGMENT AND PROBATION/COMMITMENT ORDER

drug tests thereafter, not to exceed 8 tests per month, as directed by the Probation Officer; 3) shall not obtain or possess any driver's license, Social Security number, birth certificate, passport or any other form of identification without the prior written approval of the Probation Officer, and shall not use for any purpose or in any manner, any name other than her true legal name; 4) shall not engage, as whole or partial owner, employee or otherwise, in any business involving federally funded health insurance or entitlement programs without the prior written approval of the Probation Officer. Further, the defendant shall provide the Probation Officer with access to any and all business records, client lists and other records pertaining to the operation of any business owned, in whole or in part, by the defendant, as directed by the Probation Officer; and 5) shall cooperate in the collection of a DNA sample from the defendant.

IT IS FURTHER ORDERED that defendant pay a special assessment of \$1,300.00, which is due immediately.

IT IS FURTHER ORDERED that the determination of the amount of restitution defendant shall pay to victims in this matter shall be decided at a further hearing on the issue of restitution.

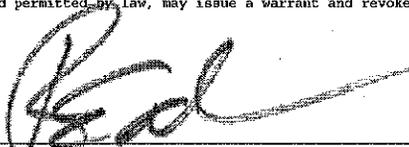
IT IS FURTHER ORDERED that the underlying indictment and any remaining counts are dismissed as to this defendant.

IT IS FURTHER ORDERED that defendant is remanded into custody. (Remand slip #16332.)

IT IS FURTHER ORDERED that defendant's bond is exonerated.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release set out on the reverse side of this judgment be imposed. the Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

Signed by: District Judge _____


MANUEL L. REAL

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Terry Nafisi, Clerk of Court

Dated/Filed September 9, 2013
Month / Day / Year

By _____ /S/
Kane Tien, Deputy Clerk

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

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

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. 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;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. 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;
11. 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 by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. 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;
14. 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 conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered
on _____
Defendant noted on
appeal on _____
Defendant released
on _____
Mandate issued on _____
Defendant's appeal
determined on _____
Defendant delivered
on _____ to _____

at

the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

B
y

Date

Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

B
y

Filed
Date

Deputy Clerk

FOR U.S. PROBATION OFFICE USE ONLY

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (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