

United States District Court
District of Minnesota

UNITED STATES OF AMERICA
v.
Christopher William Smith

JUDGMENT IN A CRIMINAL CASE
Case Number: **05cr282(1) MJD/JJG**
USM Number: **12310-041**
Social Security Number: 9298
Date of Birth: 1980

Joseph Friedberg
Defendant's Attorney

THE DEFENDANT:

[x] was found guilty on counts 1,2,3,4,5,6,7,8,9 of the Third Superceding Indictment after a plea of not guilty. However, Count 1 of the Third Superceding Indictment was dismissed by the Government at the time of sentencing.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Offense</u> <u>Nature of Offense</u>	<u>Ended</u>	<u>Count</u>
21 USC §§ 841(a)(1) and (b)(1)(D); 21 CFR §1306.04 and 18 USC. §2	Aiding and Abetting Unlawful Distribution and Dispensing of Controlled Substances	03/31/2005	2
21 USC §§ 841(a)(1) and (b)(1)(D); 21 CFR §1306.04 and 18 USC. §2	Aiding and Abetting Unlawful Distribution and Dispensing of Controlled Substances	04/29/2005	3
21 USC §§ 841(a)(1) and (b)(1)(D); 21 CFR §1306.04 and 18 USC. §2	Aiding and Abetting Unlawful Distribution and Dispensing of Controlled Substances	05/06/2005	4
21 USC §§331(a), 333(a)(2), 353(b)(1) and 18 USC. §2	Aiding and Abetting Introduction of Misbranded Drugs into Interstate Commerce	03/31/2005	5
21 USC §§331(a), 333(a)(2), 353(b)(1) and 18 USC. §2	Aiding and Abetting Introduction of Misbranded Drugs into Interstate Commerce	03/31/2005	6
21 USC §§331(a), 333(a)(2), 353(b)(1) and 18 USC. §2	Aiding and Abetting Introduction of Misbranded Drugs into Interstate Commerce	04/25/2005	7
18 USC § 1956(h)	Conspiracy to Commit Money Laundering	06/24/2005	8
21 USC §848(a) and (c)	Continuing Criminal Enterprise	06/24/2005	9

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

[x] Count **1 of Third superceding Indictment** is dismissed on the motion of the United States.

It is ordered that the defendant must 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

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DEFENDANT: CHRISTOPHER WILLIAM SMITH
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judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material change in economic circumstances.

August 1, 2007

Date of Imposition of Judgment

s / Michael J. Davis

Signature of Judge

MICHAEL J. DAVIS, United States District Judge

Name & Title of Judge

August 6, 2007

Date

AO 245B (Rev. 06/05) Sheet 2 - Imprisonment

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **60 months on Count 2, 60 months on Count 3, 60 months on Count 4, 36 months on Count 5, 36 months on Count 6, 36 months on Count 7, 240 months on Count 8 and 360 months on Count 9. All terms to run concurrently.**

The court makes the following recommendations to the Bureau of Prisons:
That defendant be housed in the penitentiary at Terre Haute, Indiana

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy United States Marshal

AO 245B (Rev. 06/05) Sheet 3 - Supervised Release

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **5 years on Counts 2, 3, and 4; 1 year on Counts 5, 6, and 7; 3 years on Count 8; and 5 years on Count 9, all such terms to run concurrently.**

The defendant must 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 unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

If this Judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without 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 prior to 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 controlled substance or any paraphernalia related to any controlled 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 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; and
- 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

- a The defendant shall not commit any crimes, federal, state, or local.
- b The defendant shall abide by the standard conditions of supervised release recommended by the Sentencing Commission.
- c The defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapon.
- d The defendant shall cooperate in the collection of DNA as approved by the probation officer and mandated pursuant to 18 USC §§ 3563(a) and 3583(d).
- e The defendant shall be required to undergo mandatory drug testing as set forth by 18 USC §§ 3563(a) and 3583(d).
- f The defendant shall participate in a program for drug abuse as approved by the probation officer. That program may include testing and inpatient or outpatient treatment, counseling, or a support group. Further, the defendant shall contribute to the costs of such treatment as determined by the Probation Officer Co-Payment Program not to exceed the total cost of treatment.
- g The defendant shall participate in a psychological/psychiatric counseling or treatment program, as approved by the probation officer. Further, the defendant shall contribute to the costs of such treatment as determined by the Probation Office Co-Payment Program not to exceed the total cost of treatment
- h The defendant shall submit his person, residence, office, vehicle, or an area under the defendant's control to a search conducted by a United States Probation Officer or supervised designee, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a supervision violation. The defendant shall warn any other residents or third parties that the premises and areas under the defendant's control may be subject to searches pursuant to this condition.
- i If not employed at a regular lawful occupation, as deemed appropriate by the probation officer the defendant may be required to preform up to 20 hours of community service per week until employed. The defendant may also participate in training, counseling, daily job search, or other employment -related activities, as directed by the probation officer.

AO 245B (Rev. 06/05) Sheet 5 - Criminal Monetary Penalties

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$800.00		

- The determination of restitution is deferred until . *An Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

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. §3664(i), all nonfederal victims must be paid before the United States is paid.

Name and Address of Payee	**Total Loss	Restitution Ordered	Priority or Percentage
TOTALS:	\$0.00	\$0.00	0.00%
Payments are to be made to the Clerk, U.S. District Court, for disbursement to the victim.			

- Restitution amount ordered pursuant to plea agreement \$.
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or 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 6 may be subject to penalties for delinquency and default, 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 for the fine restitution.
 - the interest requirement for the: fine restitution is modified as follows:

** 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

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

A Lump sum payment of **\$800.00 special assessment to the Crime Victims Fund** due immediately,

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

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

The defendant shall forfeit the defendant's interest in the following property to the United States:

- a. the sum of \$24,240,747, representing the gross proceeds of the offenses of conviction. The defendant shall be given a credit against this money judgment for the net forfeited value of the assets forfeited in connection with *United States v. One Mercedes Maybach et al.*, Civil No. 05-1516 (MJD/AJB). The defendant shall be given a further credit against this money judgment amount for the net forfeited value of each specific asset including, without limitation, the assets listed below, finally forfeited pursuant to this order, that is, the value of all currency actually collected and forfeited to the United States, and the value of the net proceeds from the sale of all other property finally forfeited to the United States;
- b. \$89,335.00 in U.S. Currency surrendered to the Internal Revenue Service, Criminal Investigation Division, on February 3, 2006;
- c. \$198,120.00 in U.S. Currency surrendered to the Internal Revenue Service, Criminal Investigation Division, on February 3, 2006;
- d. \$1,850.00 in U.S. Currency surrendered to the Internal Revenue Service, Criminal Investigation Division, on February 3, 2006;
- e. \$13,757.96 in net proceeds from the sale of a 2005 Mercedes Benz, C55AMG, VIN WDBRF76J95F612084;
- f. \$139,720.00 in U.S. Currency surrendered to the Internal Revenue Service, Criminal Investigation Division, on March 24, 2006;
- g. \$50,000.00 in U.S. Currency surrendered to the Internal Revenue Service, Criminal Investigation Division, on March 31, 2006;
- h. the real property located at XXXX, Prior Lake, Minnesota, and legally described as XXXX, Scott County, Minnesota, together with its buildings, fixtures, improvements, and appurtenances;
- i. a Rolex watch, serial number F159286, style R7917441RB7824, purchased on December 22, 2004 from Osterman Jewelers;
- j. any and all remaining funds in U.S. Bank Account No. X-XXX-XXXX-XXXX, or other accounts held by the court appointed Receiver in connection with *United States v. Christopher William Smith et al.*, Civil No. 05-895 (MJD/SRN);
- k. funds up to the amount of \$16,000 held by Braemer Mailings funded by Online Payment Solutions check number 7200 in the amount of \$16,000;

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- l. funds in the amount of \$922,166.97 withdrawn from various accounts at CommerceBank between May 11 and May 13, 2005, including Revenue Doctors Account No. XXXX, RxOrderFill.com Savings Account No. XXXX, and Bruce and Robin Lieberman Account No. XXXX; and
- m. any and all remaining funds in accounts held by Bardo France, 16, Place Vendome, Paris, France, under Account Identification No. XXXX (Xpress Pharmacy Direct).

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