Case 1:10-cr-10359-NMG Document 23 Filed 10/06/11 Page 1 of 12

SAO 245B(05-MA)	(Rev. 06/05) Judgment in a Criminal Ca	use
	Sheet 1 - D. Massachusetts - 10/05	

UNITE	D STATES	S DISTRI	CT COURT

District of Massachusetts

UNITED	STATES	OF	AMERICA
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v.

PETER A. SCHOBER

JUDGMENT IN A CRIMINAL CASE

Case Number: 1: 10 CR 10359 - 1 - NMG

USM Number: 93614-038

Terry P. Segal, Esq.

Defendant's Attorney

Additional documents attached

THE DEFENDANT:	
pleaded nolo contendere to count(s)	
after a plea of not guilty.	
The defendant is adjudicated guilty of these offenses:	Additional Counts - See continuation page
Title & Section Nature of Offense	Offense Ended Count
31 USC §§5314 and Willfully Violating Foreign Bank Account	nt Reporting Requirements 06/30/07 1
5322(a)	
The defendant is sentenced as provided in pages 2 through the Sentencing Reform Act of 1984.	of this judgment. The sentence is imposed pursuant to
The defendant has been found not guilty on count(s)	
Count(s)	re dismissed on the motion of the United States.
It is ordered that the defendant must notify the United State or mailing address until all fines, restitution, costs, and special assess the defendant must notify the court and United States attorney of m	es attorney for this district within 30 days of any change of name, residence, ments imposed by this judgment are fully paid. If ordered to pay restitution, laterial changes in economic circumstances.
	I0/05/11

Date of Imposition of Judg	nent
Nathan	: Kalfaston
Signature of Judge	MIC POWERS

The Honorable Nathaniel M. Gorton

U.S. District Judge

Name and Title of Judge

10/6/11 Date

AO 245B(05-MA) (Rev. 06/05) Judgment in a Criminal Case Sheet 2 - D. Massachusetts - 10/05

PETER A. SCHOBER	Judgment — Page 2 of 12
DEFENDANT: FETERA. SCHOBER CASE NUMBER: 1: 10 CR 10359 - 1 - NMG	
IMPRISONMEN	Т
The defendant is hereby committed to the custody of the United States But total term of: 1 month	reau of Prisons to be imprisoned for a
The court makes the following recommendations to the Bureau of Prisons: See Page 3.	:
The defendant is remanded to the custody of the United States Marshal.	
 The defendant shall surrender to the United States Marshal for this district at at a.m p.m. on as notified by the United States Marshal. The defendant shall surrender for service of sentence at the institution design before 2 p.m. on before 2 p.m. on as notified by the United States Marshal. as notified by the United States Marshal. as notified by the Probation or Pretrial Services Office. 	
RETURN	
I have executed this judgment as follows:	
Defendant delivered on	to
a, with a certified copy of this jud	

UNITED STATES MARSHAL

Ву _____

DEPUTY UNITED STATES MARSHAL

SAO 245B(05-MA) (Rev 06/05) Judgment in a Criminal Case Sheet 2A - D. Massachusetts - 10/05

Judgment-Page _____ of ____12

DEFENDANT: PETER A. SCHOBER CASE NUMBER: 1: 10 CR 10359 - 1 - NMG

ADDITIONAL IMPRISONMENT TERMS

The Court makes a judicial recommendation that the defendant be designated to the satellite camp at FMC Devens, or to any other institution commensurate with security where the Bureau of Prisons can afford appropriate medical care for the defendant's documented medical needs.

Case 1:10-cr-10359-NMG Document 23 Filed 10/06/11 Page 4 of 12

AO 245B(05-MA) (Rev 06/05) Judgment in a Criminal Case Sheet 3 - D. Massachusetts - 10/05

DEFENDANT: CASE NUMBER:	PETER A. SCHOBER 1: 10 CR 10359 - 1 - NMG SUPERVISE	Judgment	-Page <u>4</u> of <u>12</u>
Upon release from in	nprisonment, the defendant shall be on supervise	d release for a term of : 6	month(s)
The defendant custody of the Burea	nust report to the probation office in the district u of Prisons.	to which the defendant is released w	ithin 72 hours of release from the
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 to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 50 tests per year, 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, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)

The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

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 with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 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 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;
- the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 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;
- 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.

SAO 245B(05-MA) (Rev. 06/05) Judgment in a Crimmal Case Sheet 4A - Continuation Page - Supervised Release/Probation -10/05

DEFENDANT: PETER A. SCHOBER CASE NUMBER: 1: 10 CR 10359 - 1 - NMG

ADDITIONAL SUPERVISED RELEASE PROBATION TERMS

12

Judgment-Page _____ of _

The defendant is to serve 2 months in home detention with electronic monitoring and shall pay for the costs of the program as determined under the national contract. The defendant is responsible for returning the monitoring equipment in good condition and may be charged for replacement or repair of the equipment. The defendant is to pay any fine imposed by no later than ten (10) days after the sentencing hearing. The defendant is prohibited from incurring new credit charges or opening additional lines of credit without the approval of the Probation Office while any financial obligations remain outstanding.

The defendant is to provide the Probation Office access to any requested financial information, which may be shared with the Financial Litigation Unit of the U.S Attorney's Office.

The defendant is to participate in a program for substance abuse counseling as directed by the United States Probation Office, which program may include testing, not to exceed 50 tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment.

Continuation of Conditions of Supervised Release Probation

Case 1:10-cr-10359-NMG Document 23 Filed 10/06/11 Page 6 of 12

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* 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. AO 245B(05-MA) (Rev 06/05) Judgment in a Criminal Case Sheet 5A - D. Massachusetts - 10/05

DEFENDANT: PETER A. SCHOBER CASE NUMBER: 1: 10 CR 10359 - 1 - NMG

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

It is further ordered that the defendant shall pay to the United States a fine of \$3,000.

Lump Sum Payment: The defendant shall make a lump sum payment of \$3,000 which is due no later than ten (10) days after the sentencing hearing.

Any fine imposed is to be continued to be paid until the full amount, including any interest required by law, has been paid. The defendant shall notify the United States Attorney for this district within 30 days of any change of mailing or residence address that occurs while any portion of the fine remains unpaid.

Judgment—Page 7 of 12

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∿ A01	245B(05-MA)	(Rev 06/05) Judgment in Sheet 6 - D Massachuse						
	FENDANT: SE NUMBER	PETER A. SCI 1: 10 CR 103		MG		Judgment — Pa	ge <u>8</u>	of <u>12</u>
			SCHEDU	JLE OF PA	YMENTS			
Havi	ing assessed th	e defendant's ability i	o pay, payment of th	e total criminal	monetary penal	ties are due as follo	ws:	
A	🗶 Lump su	m payment of \$	0.00 due	immediately, b	alance due			
	not	later than	C, D, C	, or] E, or	below; or			
B		to begin immediately						
С	Payment	in equal (e.g., months or	(e.g., weekly, i years), to commence	monthly, quarte	rly) installments e.g., 30 or 60 da	of S ays) after the date o	over a f this judgr	a period of nent; or
D		in equal (e.g., months or supervision; or	(e.g., weekly, i years), to commence	monthly, quarte	rly) installments e.g., 30 or 60 da	of S	over i om impriso	a period of nment to a
E	Payment imprison	during the term of sumer. The court will	pervised release will set the payment plan	commence wit based on an as	hin sessment of the	(e.g., 30 or 60 c defendant's ability	lays) after i to pay at th	release from nat time; or
F	Special i	nstructions regarding	the payment of crim	inal monetary p	enalties:			
	See Page 6							
Resp	considility Pro	s expressly ordered ot l criminal monetary gram, are made to the l receive credit for all	clerk of the court.					-
	Joint and Sev	eral					<u> </u>	See Continuation Page
		d Co-Defendant Nam ading payee, if approp		s (including del	endant number),	, Total Amount, Joj	int and Sev	eral Amount,
	The defendan	t shall pay the cost of	prosecution.					
]The defendan	t shall pay the follow	ing court cost(s):					
	The defendan	t shall forfeit the defe	ndant's interest in th	e following pro	perty to the Unit	ted States:		
Payn (5) fi	nents shall be a ine interest, (6)	applied in the followi) community restitution	ng order: (1) assessm on, (7) penalties, and	ient, (2) restitut (8) costs, inclu	on principal, (3) ling cost of pros) restitution interest secution and court c	, (4) fine plasts.	rincipal,

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AO 245B	(Rev. 06/05) Criminal Judgment
	Attachment (Page 1) Statement of Reasons - D Massachusetts - 10/05

										Judg	iment	Page	9	oť	12
		ER:	1: 10 CR 10359 - MASSACHUSETTS	1	- ľ	NMG									
				ST	AT	EMEN	T OF R	EASON	NS						
co	WRTI	FIND	DINGS ON PRESENTEN	ICE I	INVE	STIGAT	FION REP	ORT							
A									nge.						
в		(Che	eck all that apply and specify cou			-	•			-	n the preser	itence re	port	, if app	licable.)
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	2		-				-			related ad	justments,				
	3		*				•	uding change	es to criminal	history c	ategory or				
	4					_		-	-						
C		The	e record establishes no no	ed fo	ərap	resenten	ice investig	ation repo	ort pursus	ant to F	ed.R.Cri	m.P.3	2.		
СС	URT	FINI	DING ON MANDATOR	Y MII	NIM	UM SEN	TENCE (Check all t	that apply.))					
Α		No c	count of conviction carries a man	datory i	minum	um sentenc	æ.								
В		Мал	datory minimum sentence impos	ed.											
С	D	sente	ence imposed is below a mandate					•	•						
			findings of fact in this case												
						Ð									
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СС)URT I	DET	ERMINATION OF ADV	'ISOI	RY G	UIDEL	INE RANG	GE (BEFC	ORE DEP	ARTUR	tES):				
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It specific offense characteristics) 2 Chapter Three of the U.S.S.G. role in the offense, obstruction of specific offense, obstruction of role in the offense, obstruction of scores, career offender, or crime 4 Additional Comments or Find presentence report that the Fede or programming decisions) C The record establishes no ne COURT FINDING ON MANDATORY A A Mondatory minimum sentence impose C One or more counts of conviction allo sentence imposed is below a mandato does not apply based on Indings of fact in this case substantial assistance (18 U S C) Indings of fact in this case substantial assistance (18 U S C)	ENUMBER: 1: 10 CR 10359 - 1 RICT: MASSACHUSETTS ST COURT FINDINGS ON PRESENTENCE I A Image: Court adopts the presentence B The court adopts the presentence B The court adopts the presentence Check all that apply and specify court deter (Use Section VIII if necessary.) I Chapter Two of the U.S.S.G. Manual specific offense characteristics) 2 Chapter Three of the U.S.S.G. 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C C C C C C C C C C C C C C C C C C C	COURT FINDING ON MANDATORY MINIMUM SENTENCE (Check all 1 A diditional Comments or Findings (including comments or factual findings concert all 1 COURT FINDING ON MANDATORY MINIMUM SENTENCE (Check all 1 Chapter Tore of the U.S.S.G. Manual determinations) C Chapter Three of the U.S.S.G. Manual determinations by court (including change specific offense characteristics) C Chapter Three of the U.S.S.G. Manual determinations by court (including change specific offense characteristics) C Chapter Three of the U.S.S.G. Manual determinations by court (including change specific offense characteristics) C C C Chapter Three of the U.S.S.G. 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Total Offense Level:13Criminal History Category:1Imprisonment Range:12to18Supervised Release Range:2to3yearsFine Range:\$ 30,000Implication5Supervised release range10Supervised Release range18Comparison10Supervised release range18to\$ 30,000Supervised release range10Supervised range10Supervis

AO 245B (05-MA)	(Rev 06/05) Criminal Judgment
	Attachment (Page 2) - Statement of Reasons - D Massachusetts - 10/05

DEFENDANT: PETER A. SCHOBER CASE NUMBER: 1: 10 CR 10359 - 1 - NMG DISTRICT: MASSACHUSETTS

STATEMENT OF REASONS

IV ADVISORY GUIDELINE SENTENCING DETERMINATION (Check only one.)

- A 🔲 The sentence is within an advisory guideline range that is not greater than 24 months, and the court finds no reason to depart
- B D The sentence is within an advisory guideline range that is greater than 24 months, and the specific sentence is imposed for these reasons. (Use Section VIII if necessary.)
- C Z The court departs from the advisory guideline range for reasons authorized by the sentencing guidelines manual. (Also complete Section V.)
- D 🔲 The court imposed a sentence outside the advisory sentencing guideline system. (Also complete Section V1)

V DEPARTURES AUTHORIZED BY THE ADVISORY SENTENCING GUIDELINES (If applicable.)

- A The sentence imposed departs (Check only one.):
 - **1** below the advisory guideline range
 - above the advisory guideline range
- **B** Departure based on (Check all that apply.):
 - Plea Agreement (Check all that apply and check reason(s) below.):
 - SK1.1 plea agreement based on the defendant's substantial assistance
 - 5K3.1 plea agreement based on Early Disposition or "Fast-track" Program
 - binding plea agreement for departure accepted by the court
 - plea agreement for departure, which the court finds to be reasonable
 - plea agreement that states that the government will not oppose a defense departure motion.

2 Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):

- 5K1.1 government motion based on the defendant's substantial assistance
- 5K3.1 government motion based on Early Disposition or "Fast-track" program
- government motion for departure
- defense motion for departure to which the government did not object
 - defense motion for departure to which the government objected
- Other

1

3

Other than a plea agreement or motion by the parties for departure (Check reason(s) below.):

C Reason(s) for Departure (Check all that apply other than 5K1.1 or 5K3.1.)

Z	4A1 3	Criminal History Inadequacy	5K2 I	Death		5K2.11	Lesser Harm
	5H1 I	Age	5K2 2	Physical Injury		5K2 12	Coercion and Duress
	5H1.2	Education and Vocational Skills	5K2 3	Extreme Psychological Injury	\Box	5K2 13	Diminished Capacity
	5H1.3	Mental and Emotional Condition	5K24	Abduction or Unlawful Restraint		5K2 14	Public Welfare
	5H1 4	Physical Condition	5K2.5	Property Damage or Loss		5K2 6	Voluntary Disclosure of Offense
	5H1 5	Employment Record	5K2.6	Weapon or Dangerous Weapon		5K2 17	High-Capacity, Semiautomatic Weapon
	5H1 6	Family Ties and Responsibilities	5K2.7	Disruption of Government Function		5K2 18	Violent Street Gang
	SH1 11	Military Record, Charitable Service,	5K2 8	Extreme Conduct		5K2 20	Aberrant Behavior
		Good Works	5K2 9	Criminal Purpose		5K2 21	Dismissed and Uncharged Conduct
	5K2 0	Aggravating or Mitigating Circumstances	5K2.10	Victim's Conduct		5K2 22	Age or Health of Sex Offenders
						5K 2 23	Discharged Terms of Imprisonment

D Explain the facts justifying the departure. (Use Section VIII if necessary.)

A short incarcerative sentence is warranted as a general deterrent to sophisticated tax evaders who use foreign bank accounts in their schemes.

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Other guideline basis (e.g., 2B1 (commentary)

AO 245B (05-MA)	(Rev. 06/05) Criminal Judgment					
	Attachment (Page 3) Statement of Reasons - D. Massachusetts 10/05					

DEFENDANT: CASE NUMBER: DISTRICT:			1: 1	TER A. SCHOBI 10 CR 10359 - Assachusetts	- 1	- NMG ATEME	NT OF REASONS	Judgment Page 11 of 12	2		
VI		U RT DET eck all that			INTER	ICE OUTS	IDE THE ADVISORY GUI	DELINE SYSTEM			
	A	below	tence imposed is (Check only one.): v the advisory guideline range e the advisory guideline range								
	B	Sentence	: imp	posed pursuant to (C	heck a	II that apply	.):				
		L	Plei D	binding plea agreement i plea agreement for a sen	for a ser stence of	ntence outside the advise	check reason(s) below.): he advisory guideline system accepto ory guideline system, which the cour will not oppose a defense motion to t		ne		
		2		government motion for a defense motion for a sen	a senten ntence o	ce outside of th utside of the ad	ent (Check all that apply and ie advisory guideline system visory guideline system to which the visory guideline system to which the	government did not object			
		3	Oth		rient of 1	notion by the p	arties for a senience outside of the ac	dvisory guideline system (Check reason(s) below)		
	С	Reason(s) for	r Sentence Outside th	he Ad	visory Guid	eline System (Check all that	apply.)			
		to refl to sffc to sffc to pro to pro (18 U	ect the ord ade tect the vide the S.C §	e seriousness of the offense equate deterrence to crimin he public from further crime	e, to prom al conds es of the education	mote respect for uct (18 U.S.C § defendant (18 I nal or vocationa	§ 3553(a)(2)(B)) U.S.C. § 3553(a)(2)(C)) al training, medical care, or other cor	rsuant to 18 U S C § 3553(a)(1) ment for the offense (18 U S C § 3553(a)(2)(A)) rectional treatment in the most effective manner			

- to provide restitution to any victims of the offense (18 U S C § 3553(a)(7))
- D Explain the facts justifying a sentence outside the advisory guideline system. (UseSection VIII if necessary.)

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AO 245B (05-MA) (Rev	06/05) Criminal	Judgment			
Attac	hment (Page 4) –	- Statement of Reas	ons - D I	Massachusetts -	10/05

DEFENDANT:	PETER A. SCHOBER
CASE NUMBER:	1: 10 CR 10359 - 1 - NMG
DISTRICT:	MASSACHUSETTS

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STATEMENT OF REASONS

VII COURT DETERMINATIONS OF RESTITUTION

A 🛛 Restitution Not Applicable.

B Total Amount of Restitution:

C Restitution not ordered (Check only one.):

- For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A)
- For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B)
- 3 Grother offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii)
- 4 Restitution is not ordered for other reasons. (Explain)
- D Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c));

VIII ADDITIONAL FACTS JUSTIFYING THE SENTENCE IN THIS CASE (If applicable.)

Sections I. II. III, IV, and VII of the Statement of Reasons form must be completed in all felony cases.

Defendant's Soc. Sec. No.: 000-00-3992

Boston, MA

Defendant's Date of Birth: 00/00/1959

Defendant's Residence Address: Boston, MA

Defendant's Mailing Address:

Date of Im	position	of	Judgment
10/05/1	i		2

Signature of Judge

U.S. District Judge The Honorable Nathaniel M. Gorton

Name and Title of Judeo Date Signed