

**United States District Court**  
**District of Hawaii**

JAN 31 2013

at 2 o'clock and 45 min. P.M. SUE BEITIA, CLERK

UNITED STATES OF AMERICA  
v.  
TONY ANTHONY CRUZ, JR.

**JUDGMENT IN A CRIMINAL CASE**

Case Number: **1:12CR00843-001**  
USM Number: **60661-080**  
**Shanlyn Park AFPD**  
Defendant's Attorney

**THE DEFENDANT:**

- pleaded guilty to counts: 1 and 2 of the Indictment.
- pleaded nolo contendere to counts(s) \_\_\_ which was accepted by the court.
- was found guilty on count(s) \_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

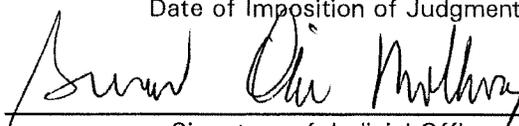
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
See next page.			

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.

- The defendant has been found not guilty on counts(s) \_\_\_ and is discharged as to such count(s).
- Counts 3 - 8 of the Indictment are dismissed on the motion of the United States.

It is further 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 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.

JANUARY 22, 2013  
Date of Imposition of Judgment

  
Signature of Judicial Officer

SUSAN OKI MOLLWAY, Chief United States District Judge  
Name & Title of Judicial Officer

JAN 24 2013  
Date

AO 245B (Rev. 6/05) Judgment in a Criminal Case  
Sheet 1A

CASE NUMBER: 1:12CR00843-001

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DEFENDANT: TONY ANTHONY CRUZ, JR.

ADDITIONAL COUNTS OF CONVICTION

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC §1341	Mail fraud	10/1/09	1
18 USC §1341	Mail fraud	10/1/09	2

AO 245B (Rev. 6/05) Judgment in a Criminal case  
Sheet 4 - Probation

CASE NUMBER: 1:12CR00843-001  
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## PROBATION

The defendant is hereby placed on probation for a term of: FIVE (5) YEARS.

This term consists of FIVE (5) YEARS as to each of Counts 1 and 2, to run concurrently.

The defendant shall not commit another federal, state, or local crime.

That 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 commencement on supervision and at least two periodic drug tests thereafter, but not more than 8 valid drug tests per month during the term of probation.

- 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 in person with the state sex offender registration agency in the jurisdiction where the defendant resides, works, or is a student within 3 business days after being sentenced or after being released from custody pursuant to the Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006). For initial registration purposes only, the defendant shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.(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 probation 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 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 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;
- 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.

AO 245B (Rev. 6/05) Judgment in a Criminal case  
Sheet 4 - Probation

CASE NUMBER: 1:12CR00843-001  
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### SPECIAL CONDITIONS OF SUPERVISION

1. Restitution totaling \$1,121,450.00 is due immediately to the victims set forth below, which shall be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office, but at a rate of not less than 10 % of his monthly gross income. Interest is waived

Victim Name

Tomasino Enterprises, Inc. (C.T.)	\$292,500.00
VPC, Inc. (V.F.)	\$246,000.00
C.V. Financial, Inc. (V.F.)	\$105,600.00
Stace Financial, Inc. (V.F.)	\$105,600.00
R.G., Inc.	\$ 92,500.00
C.T. DDS PA	\$ 88,000.00
M.S., Inc.	\$ 52,250.00
C.C. Garcia & Co., P.C.	\$ 28,250.00
C. Garcia CPA RFC	\$ 25,000.00
N.J.V. Life Insurance Trust	\$ 25,000.00
M.M.	\$ 23,500.00
R.G. Enterprises, Inc.	\$ 20,500.00
C.H.	\$ 16,750.00

2. The defendant shall execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
3. The defendant is prohibited from incurring credit charges and lines of credit without the prior approval of the Probation Office, until such time that the restitution is paid in full.
4. The defendant shall provide to the Probation Office a signed release authorizing credit checks and an accurate financial statement, with supporting documentation, as to all sources and amounts of income and all expenses of the defendant and any business owned, in whole or in part, by the defendant.
5. The defendant shall notify the Probation Office of any contemplated employment and shall obtain approval from the Probation Office for all employment. Unless the defendant is self-employed, he may not be employed in any capacity wherein he has custody, control, or management of his employer's funds.
6. The defendant shall maintain a single personal bank account, separate and apart from any family member or others, into which all income, financial proceeds, and gains shall be deposited and from which all expenses be paid.
7. The defendant shall provide the Probation Office with access to any and all business records, financial 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 Office.
8. The defendant shall submit his person, property, house, residence, vehicle, papers, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

AO 245 B (Rev. 6/05) Judgment in a Criminal Case  
 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:	\$ 200.00	\$	\$ 1,121,450.00

- [ ] The determination of restitution is deferred until . An Amended Judgment in a Criminal Case (AO245C) will be entered after such a determination.
- [ ] The defendant must 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 non-federal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Tomasino Enterprises, Inc. 5402 Gary Cooper Street San Antonio, TX 78240		\$292,500.00	
VPC, Inc. Stace Financial Inc. 9530 Haviland Court San Antonio, TX 78251		\$246,000.00	
C.V. Financial, Inc. Stace Financial Inc. 9530 Haviland Court San Antonio, TX 78251		\$105,600.00	
Stace Financial, Inc. 9530 Haviland Court San Antonio, TX 78251		\$105,600.00	
R.G., Inc. 2022 Ricks Drive Eagle Pass, TX 78852		\$92,500.00	
C.T. DDS PA 5402 Gary Cooper Street San Antonio, TX 78240		\$88,000.00	
M.S., Inc. 10955 Wurbach Road, #804 San Antonio, TX 78251		\$52,250.00	
C.C. Garcia & Co., P.C. 2603 Rogers Fork San Antonio, TX 78258		\$28,250.00	
C. Garcia CPA,RFC, P.C 2603 Rogers Fork San Antonio, TX 78258		\$25,000.00.	

\*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.

N.J.V. Life Insurance Trust 1073 Vista Hermosa Eagle Pass, TX 78852	\$25,000.00
M.M. 2827 Johnson Grass San Antonio, TX 78251	\$23,500.00
R.G. Enterprises, Inc. 2603 Rogers Fork San Antonio, TX 78258	\$20,500.00
C.H. 406 E. La Vista Avenue, Apt. D McAllen, TX 78501-5592	\$16,750.00

**TOTALS** \$ \_ \$ 1,121,450.00

Restitution amount ordered pursuant to plea agreement \$ \_

The defendant must pay interest on restitution and a fine of more than \$2500, unless the restitution or fine is paid in full before the fifteenth day after the date of the 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:

AO 245B (Rev. 6/05) Judgment in a Criminal Case  
Sheet 6 - Schedule of Payments

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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 \$ \_\_ due immediately, balance due
  - not later than \_\_, or
  - in accordance  C,  D,  E, or  F below, or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_ over a period of \_\_ (e.g., months or years), to commence \_\_ (e.g., 30 or 60 days) after the date of this judgment ; or
- D  Payment in equal \_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_ over a period of \_\_ (e.g., months or years), to commence \_\_ (e.g., 30 or 60 days) after the release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:  
Restitution totaling \$1,121,450.00 is due immediately to the victims set forth below, which shall be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office, but at a rate of not less than 10 % of his monthly gross income. Interest is waived

Victim Name

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N.J.V. Life Insurance Trust	\$ 25,000.00
M.M.	\$ 23,500.00
R.G. Enterprises, Inc.	\$ 20,500.00
C.H.	\$ 16,750.00

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 through 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.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number, Total Amount, Joint and Several Amount, and corresponding pay, if appropriate.

The defendant shall pay the cost of prosecution.

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 cost of prosecution and court costs.

AO 245B (Rev. 6/05) Judgment in a Criminal Case  
Sheet 6 - Schedule of Payments

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- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States: