

UNITED STATES DISTRICT COURT
Southern District of Texas
Holding Session in Victoria

UNITED STATES OF AMERICA
V.
FLEET MANAGEMENT LIMITED

JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

CASE NUMBER: 6:10CR00051-001

Gregory F. Linsin
Defendant Organization's Attorney

See Additional Aliases.

THE DEFENDANT ORGANIZATION:

- pleaded guilty to count(s) 1, 2, and 3 on June 3, 2010
pleaded nolo contendere to count(s) which was accepted by the court.
was found guilty on count(s) after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant organization is guilty of the following offenses:

Table with 4 columns: Title & Section, Nature of Offense, Date Offense Concluded, Count Number(s). Rows include offenses like 'Failure to Maintain an Oil Record Book' and 'Use and Cause to Be Used a Materially False Writing'.

See Additional Counts of Conviction.

The defendant organization is sentenced as provided in pages 2 through 6 of this judgment.

- The defendant organization has been found not guilty on count(s)
Count(s) is are dismissed on the motion of the United States.

IT IS ORDERED that the defendant organization shall notify the United States Attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

September 9, 2010
Date of Imposition of Judgment

Handwritten signature of John D. Rainey

Signature of Judge

JOHN D. RAINEY
SENIOR U. S. DISTRICT JUDGE
Name and Title of Judge

September 19, 2010
Date

JCM

DEFENDANT ORGANIZATION: **FLEET MANAGEMENT LIMITED**

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ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. § 1519 and 2	Destruction, Alteration, or Falsification of Records in a Federal Investigation	10-06-2009	3

DEFENDANT ORGANIZATION: **FLEET MANAGEMENT LIMITED**

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PROBATION

The defendant organization is hereby sentenced to probation for a term of 4 years.

The term consists of 4 years as to each of Counts 1, 2, and 3 to be served concurrently.

See Additional Probation Terms Sheet.

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

See Additional Mandatory Conditions Sheet

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant organization pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant organization shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant organization shall also comply with the additional conditions on the attached page (if indicated below).

DEFENDANT ORGANIZATION: **FLEET MANAGEMENT LIMITED**CASE NUMBER: **6:10CR00051-001****STANDARD CONDITIONS OF SUPERVISION**

1. The organization shall designate, by corporate resolution, a responsible corporate officer to be personally responsible for implementing and overseeing the fulfillment of the conditions of probation.
2. The organization shall report to the probation officer and shall submit a truthful and complete written report within the first five days each month, or as otherwise instructed by the probation officer.
3. The organization shall answer truthfully all inquiries by the probation officer and its agents and follow the instructions of the probation officer and its agents.
4. The organization is required to provide the probation officer access to any requested financial information. If a fine or restitution amount has been imposed, the defendant is prohibited from incurring new credit charges or opening additional lines of credit without approval of the probation officer, unless the defendant is in compliance with the fine or restitution payment schedule.
5. As long as the fine and special assessment remain unpaid, the organization shall submit to unannounced examinations of its books and records at appropriate business premises by the probation officer, and questioning of knowledgeable individuals within the organization.
6. The defendant organization shall not dissolve, change its name or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees.
7. As a further condition of the plea agreement, the organization shall follow the special conditions of probation:
 - a. Fleet Management Limited agrees to fully fund and implement the Environmental Compliance Program (the "Compliance Program") as set forth in "Addendum A" that is attached to and incorporated in this plea agreement.
 - b. Fleet Management Limited will follow the practices established by the Compliance Program during the term of probation imposed by the Court.
 - c. Fleet Management Limited agrees that during the period of probation, Fleet Management Limited will provide the United States Coast Guard with full access to its ships to verify compliance with all applicable laws and regulations, including compliance with the terms of this plea agreement.
 - d. Fleet Management Limited will cooperate with the Government's investigation as set out in paragraph 11 of the plea agreement.
 - e. Fleet Management Limited shall commit no violations of U.S. federal, or state law, including, but not limited to, violations of MARPOL 73/78, or federal or state environmental laws and regulations. The United States will not seek to find Fleet Management Limited in violation of the terms of probation for minor discrepancies and deficiencies that may be noted during routine United States Coast Guard inspections or audits under the Compliance Program. However, a knowing violation of the Compliance Program shall be considered a violation of probation. The determination of whether Fleet Management Limited has violated the terms of probation is solely within the judgment of the Court. Fleet Management Limited understands and agrees that during the term of probation, any vessel subject to the Compliance Program, found to be in violation of MARPOL or United States law by any United States Coast Guard inspection or audit conducted pursuant to the Compliance Program, if said violation is found by the Court to be a violation of probation, shall be barred immediately by the United States Coast Guard from entering the ports and waters of the United States under the operation and/or management of Fleet Management Limited, for a period of five years from the date of the Court's order. In no way does this understanding limit what information the United States or the defendant may provide to the Court or the United States Probation Office.

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CRIMINAL MONETARY PENALTIES

The defendant organization shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 3, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,200.00	\$ 3,000,000.00	\$

The special assessment consists of \$400.00 as to each of Counts 1, 2, and 3 to be paid consecutively. The fine consists of \$1,000,000.00 as to each of Counts 1, 2, and 3 to be paid consecutively.

- See Additional Terms for Criminal Monetary Penalties Sheet.
- The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization 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 in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
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- See Additional Restitution Payees Sheet.

TOTALS	\$0.00	\$0.00
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- If applicable, restitution amount ordered pursuant to plea agreement \$ _____
- The defendant organization shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution 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 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:

- the interest requirement is waived for the fine and/or restitution.
- the interest requirement for the fine and/or restitution is modified as follows:

Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A Lump sum payment of _____ due immediately, balance due
 - not later than _____, and/or
 - in accordance with C, D, and/or E, below; or
- B Payment to begin immediately (may be combined with C, D, or E below); or
- C Payment in _____ (e.g., equal, 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 _____ (e.g., equal, weekly, monthly, quarterly) installments of _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Special instructions regarding the payment of criminal monetary penalties:
 Make all payments payable to: U.S. District Clerk, P.O. Box 1638, Victoria, TX 77902
 The special assessment and fine are due and payable immediately.

All criminal monetary penalties are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney

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

Joint and Several

**Case Number
(Including Defendant Number)**

Defendant Name

**Joint and Several
Amount**

See Additional Defendants Held Joint and Several sheet.

The defendant organization shall pay the cost of prosecution.

The defendant organization shall pay the following court cost(s):

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

See Additional Forfeited Property Sheet.

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