

UNITED STATES DISTRICT COURT  
District of New Jersey

UNITED STATES OF AMERICA

v.

Case Number 06-307

M.K. SHIP MANAGEMENT CO.

Defendant.

**2<sup>nd</sup> AMENDED  
JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)**

The defendant, M.K. SHIP MANAGEMENT CO., was represented by Michael Chalos, Esq.

The defendant pled guilty to count(s) one of the information on 4/12/06. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

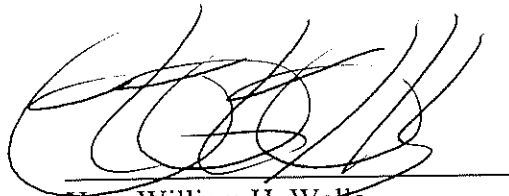
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>	<u>Count Number(s)</u>
33:1908	Enforcement- criminal penalties	3/2/05	one

As pronounced on August 7, 2006, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$400.00, for count(s) one, which shall be due immediately. Said special assessment shall be made payable to the Clerk, U.S. District Court.

It is further ordered that the defendant shall 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 shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 22<sup>nd</sup> day of August, 2006.

  
\_\_\_\_\_  
Hon. William H. Walls  
United States Senior District Judge

Defendant's SSN: 000-00-00-00

Defendant's Date of Birth: 0

Defendant's address: 1-16-14 Toranomo; 3<sup>rd</sup> fl; Mianto-Ku 105-0001 Japan

Defendant: M.K. SHIP MANAGEMENT CO.  
Case Number: 06-307

### PROBATION

The defendant is hereby placed on probation for a term of 3 years.

While on probation, the defendant shall comply with the standard conditions that have been adopted by this court (set forth below); and shall not commit another violation of federal, state or local law including those laws and regulations for which primary enforcement has been delegated to state authorities, and shall conduct all its operations with MARPOL protocol.

The defendant agrees to develop, adopt, implement and fund a comprehensive Environmental Management System/Compliance program during its term of probation , consistent wit the sentence policies set forth in USSG sec. 8d1.4

The defendant shall make a community service payment of **\$150,000** to the National Fish and Wildlife Foundation."

If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution and shall comply with the following special conditions:

.

Defendant: M.K. SHIP MANAGEMENT CO.  
Case Number: 06-307

### STANDARD CONDITIONS OF PROBATION

While the defendant is on probation pursuant to this Judgment:

- 1) The defendant shall not commit another federal, state, or local crime during the term of supervision.
- 2) The defendant shall not illegally possess a controlled substance.
- 3) If convicted of a felony offense, the defendant shall not possess a firearm or destructive device.
- 4) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 5) 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.
- 6) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 7) The defendant shall support his or her dependents and meet other family responsibilities.
- 8) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 9) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 10) 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.
- 11) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 12) 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.
- 13) 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.
- 14) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 15) 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.
- 16) 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.

For Official Use Only - - U.S. Probation Office

Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision or (2) extend the term of supervision and/or 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.

You shall carry out all rules, in addition to the above, as prescribed by the Chief U.S. Probation Officer, or any of his associate Probation Officers.

(Signed)

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
U.S. Probation Officer/Designated Witness

\_\_\_\_\_  
Date

Defendant: M.K. SHIP MANAGEMENT CO.  
Case Number: 06-307

**FINE**

The defendant shall pay a fine of \$200,000.00.

This fine, plus any interest pursuant to 18 U.S.C. § 3612(f)(1), is due immediately and shall be paid in full in 30 days of the date of this judgment.

Pursuant to the Act of Prevention of Pollution From Ships (APPS), an award of \$65,000 is granted to Joselito Rayton and \$35,000 to Arne Flora. **Each award is to be paid by the Clerk of the Court from the Fine paid by the defendant. Upon receipt of the Fine payment from the defendant, the Clerk of the Court shall issue two checks to be mailed to Rogers and Rogers, P.C., counsel for Joselito Rayton and Arne Flora, at the following address:**

**Rogers and Rogers, P.C.**

**1806 Frick Building**

**Pittsburgh, PA 15219**

**One check in the amount of \$65,000 shall be made payable to "Joselito Rayton c/o Rogers and Rogers, P.C." Another check in the amount of \$35,000 shall be made payable to "Arne Flora c/o Rogers and Rogers, P.C." Rogers and Rogers, P.C., shall distribute the funds to Joselito Rayton and Arne Flora according to their instructions and in a manner consistent with the terms set forth herein."**

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

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.

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.