

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

UNITED STATES OF AMERICA  
V.

NIMMRICH UND PRAHM REEDEREI GMBH  
& CO. KG MS "SONJA"

JUDGMENT IN A CRIMINAL CASE  
(For Organizational Defendants)

CASE NUMBER: 4:12CR00549-002

See Additional Aliases.

David Hetzel  
Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

pleaded guilty to count(s) 1, 1S and 2S on November 2, 2012

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:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 1519 and 2	Falsification of records in federal investigation	01/27/2012	1
33 U.S.C. § 1908(a) and 33 C.F.R. § 151.25	Maintaining a False Oil Record Book	03/09/2012	1S
18 U.S.C. §§ 1505 and 2	Obstruction of Justice	03/09/2012	2S

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) \_\_\_\_\_

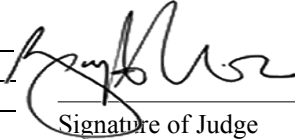
Count(s) \_\_\_\_\_  is  are dismissed on the motion of the .

It is ordered that the defendant organization must 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. If ordered to pay restitution, the defendant organization shall notify the court and United States attorney of material change in the organization's economic circumstances.

Defendant Organization's  
Federal Employer I.D.: N/A

November 2, 2012  
Date of Imposition of Judgment

Defendant Organization's Principal Business Address:  
Hafenstr. 6b, 26789 Leer, Germany



Signature of Judge

Defendant's Mailing Address/Organization:  
Hafenstr. 6b, 26789 Leer, Germany

**GRAY H. MILLER**  
**UNITED STATES DISTRICT JUDGE**  
Name and Title of Judge

November 6, 2012  
Date

DEFENDANT ORGANIZATION: **NIMMICH UND PRAHM REEDEREI GMBH**  
CASE NUMBER: **4:12CR00549-002**

## PROBATION

The defendant organization is hereby sentenced to probation for a term of: 5 years.

This term consists of FIVE (5) YEARS unsupervised probation as to Counts 1, 1S and 2S, to run concurrently, for a total of FIVE (5) YEARS unsupervised probation.

See Additional Probation Terms.

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

If this judgment imposes a fine or a restitution obligation, it is 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).

## STANDARD CONDITIONS OF SUPERVISION

See Special Conditions of Supervision.

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organization's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against 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) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT ORGANIZATION: **NIMMICH UND PRAHM REEDEREI GMBH**  
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### **SPECIAL CONDITIONS OF SUPERVISION**

During the probationary term, the defendant organization's vessels owned, operated or manned will be banned from U.S. navigable waters and ports.

The defendant must abide by the terms of the plea agreement as set forth in writing.

See Additional Special Conditions of Supervision.

DEFENDANT ORGANIZATION: **NIMMIRICH UND PRAHM REEDEREI GMBH**  
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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 S

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$1,200	\$1,000,000	\$200,000.00

A \$400 special assessment is ordered as to each of Counts 1, 1S and 2S, for a total of \$1,200. A \$250,000 fine is ordered as to Count 1, a \$500,000 fine is ordered as to Count 1S, a \$250,000 fine is ordered as to Count 2S, each of the Counts to run consecutively, for a total of \$1,000,000.

See Additional Terms for Criminal Monetary Penalties.

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 must 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 Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
National Marine Sanctuary Foundation		\$200,000.00	

See Additional Restitution Payees.

<b>TOTALS</b>	<u>\$0.00</u>	<u>\$200,000.00</u>
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If applicable, restitution amount ordered pursuant to plea agreement \$ 200,000.00

The defendant organization shall pay interest on any 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 the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 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:

Interest will not begin to accrue until scheduled payment is past due, and will be charged on the unpaid balance, pursuant to the Rule 11(c)(1)(C) Plea Agreement.

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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### **ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES**

The organizational community service payment in the amount of \$200,000 is to be paid directly to the National Marine Sanctuary Foundation, for use in the Flower Garden and Stetson Bank's National Marine Sanctuary, headquartered in Galveston, Texas.

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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 \$201,200.00 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 equal \_\_\_\_\_ installments of \_\_\_\_\_ over a period of \_\_\_\_\_, to commence \_\_\_\_\_ days after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ installments of \_\_\_\_\_ over a period of \_\_\_\_\_, to commence \_\_\_\_\_ days after release from imprisonment to a term of supervision; or
- E  Special instructions regarding the payment of criminal monetary penalties:

Payable to: Payment of the fine and community restitution penalty of \$1,200,000 shall be made in six equal installments as follows: \$200,000 due on date of sentencing, November 2, 2012, payable to the clerk of the court, and to be forwarded to the United States Embassy in the Philippines for disbursement to specified individuals under the Statutory Moiety Payments; \$200,000 due on November 2, 2013, payable directly to the National Marine Sanctuary Foundation; \$200,000 due on November 2, 2014; \$200,000 due on November 2, 2015; \$200,000 due on November 2, 2016; the remaining balance of \$200,000 is due on October 2, 2017.

Unless otherwise ordered payments are payable to: U.S. District Clerk, Attn: Finance, P.O. Box 61010, Houston, TX 77208

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

<u>Case Number</u> <u>(including defendant number)</u>	<u>Defendant Name</u>	<u>Joint and Several</u> <u>Amount</u>
4:12CR00459-001	Nimmrich Und Prahm Bereederung GmbH & Co. KG MS "SONYA"	\$200,000.00
4:12CR00459-002	Nimmrich Und Prahm Reederei GmbH & CO. KGMS	\$200,000.00

- See Additional Defendants and Co-Defendants Held Joint and Several.
- 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.

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.

No