

UNITED STATES DISTRICT COURT

EASTERN

District of

LOUISIANA

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

ODYSEA CARRIERS, S.A.

CASE NUMBER: 12-105 "K"(2)

John Musser, V & Brian McCarthy
Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

- pleaded guilty to count(s) 1, 2 & 3 of the Bill of Information on March 8, 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.

The organizational defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
33 USC 1908(a)	Violation of the Act to Prevent Pollution from Ships		1
18 USC 1519	Obstruction of Justice		2
33 USC 1232(b)(1)	Ports & Waterways Safety Program Act Violation		3

The defendant organization is sentenced as provided in pages 2 through 5 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 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 must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: NONE

Defendant Organization's Principal Business Address:

Trust Company Complex

Ajeltake Island

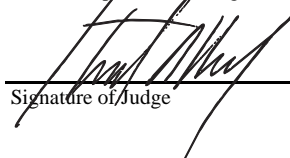
P.O. Box 1405

Jajuro, Marshall Islands, MH9690

Defendant Organization's Mailing Address:

SAME AS ABOVE

July 25, 2012
Date of Imposition of Judgment


Signature of Judge

STANWOOD R. DUVAL, JR.
Name and Title of Judge

July 25, 2012
Date

DEFENDANT ORGANIZATION: ODYSEA CARRIERS, S.A.

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PROBATION

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

Three yeas as to Counts 1, 2 & 3, to be served concurrently.

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 in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

STANDARD 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 organizations’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; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

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SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall make a community service payment of \$100,000.00 which shall be paid to the National Fish and Wildlife Foundation, for projects aimed at rehabilitating marine resources in the Eastern District of Louisiana. Because the community service payment is designated as community service by the organization, the defendant will not seek any reduction in its tax obligations as a result of these payments. In addition, since the payment constitutes community service, the defendant will not characterize, publicize, or refer to the payment as a voluntary donation or contribution. The community service payment is payable immediately.
2. The defendant agrees that it shall commit no further violation of MARPOL 73/78, 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 in accordance with the environmental laws of the United States.
3. The company shall implement an approved Environmental Compliance Plan during the terms of the probation.
4. The defendant shall pay in full the monetary amounts set forth herein, in accordance with the Payment schedule agreed above.
5. The company shall not take any adverse action against the officers and crew members who cooperated with the investigation. Prohibited adverse actions include dismissal from service, refusal to offer future work assignments, and negative performance review. This provision does not apply to any crew member who is charged with criminal conduct related to this investigation.
6. The defendant shall make full and complete disclosure of its business finances/financial records to the United States Probation Officer and submit to an audit of its business financial records as requested by the United States Probation officer.
7. The defendant shall submit to a Search and/or inspection of any of its properties and places of business conducted at a reasonable time and in a reasonable manner by the United States Probation Officer to accompany any law enforcement or regulatory official during the enforcement or inspection of the defendant's properties or places of business.
8. The defendant shall be required to notify the United States Probation Officer immediately upon learning of any material adverse change in its business or financial condition or prospects, the commencement of any bankruptcy proceeding or any major civil litigation in excess of \$25,000.00.
9. The defendant is to inform the United States Probation Officer of any breach of compliance involving the defendant's company. A description of the nature, date and time of the breach of compliance shall be provided to the United States Probation Officer within three days of the breach.

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SCHEDULE OF PAYMENTS

Having assessed the organization'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 with C or D below; or
- B** Payment to begin immediately (may be combined with C or D 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** Special instructions regarding the payment of criminal monetary penalties:

Fine payment shall be made payable to the Clerk, United States District Court, and is to be forwarded to the following address:
U.S. Clerk's Office - Attn: Financial Section, 500 Poydras St., Room C-151, New Orleans, LA 70130.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization 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 payee, if appropriate.

- 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:

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.