

UNITED STATES DISTRICT COURT

EASTERN

District of

LOUISIANA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

POLEMBROS SHIPPING LTD.
Demitri Georgantas, Designated Representative

Case Number: 09-252"K"(1)

USM Number: None

Walter Becker, Jr.

Defendant's Attorney

THE DEFENDANT:

[X] pleaded guilty to count(s) 1 through 5 of the Bill of Information on September 30, 2009

[] 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 defendant is adjudicated guilty of these offenses:

Table with 3 columns: Title & Section, Nature of Offense, Count. Rows include 33 USC 1908(a), 18 USC 1001(a)(1), 16 USC 4711(g)(2), and 33 USC 1232(b)(1).

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

It is 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.

COURT RECORDER: BONNIE HEBERT

December 9, 2009

Date of Imposition of Judgment

U. S. ATTORNEY: CHRISTOPHER HALE

PROBATION OFFICER: DEANNA SPOKES

CASE MANAGER: SHEENA DEMAS

Handwritten signature of Stanwood R. Duval, Jr.

Signature of Judge
Stanwood R. Duval, Jr.
United States District Judge

CERTIFIED AS A TRUE COPY

ON THIS DATE

Name and Title of Judge

BY: Deputy Clerk

December 11, 2009

Date

DEFENDANT: POLEMBROS SHIPPING LTD.
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PROBATION

The defendant is hereby sentenced to inactive probation for a term of:
**THREE YEARS AS TO COUNTS 1 THROUGH 5, ALL SUCH TERMS TO RUN CONCURRENTLY,
OF THE BILL OF INFORMATION.**

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

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 release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The above drug testing condition is suspended, based on the court's determination that the defendant poses a low 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 with the state sex offender registration agency in the state where the defendant resides, student, as directed by the probation officer. (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 supervised release 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 the 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 the instructions of the probation officer;
- 4) the defendant shall support his or her dependents 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; and
- 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.

DEFENDANT: POLEMBROS SHIPPING LTD.
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SPECIAL CONDITIONS OF SUPERVISION

1. THE DEFENDANT SHALL NOT COMMIT VIOLATIONS OF THE MARPOL PROTOCOL, FEDERAL, STATE, OR LOCAL LAW, INCLUDING THOSE LAWS AND REGULATIONS FOR WHICH PRIMARY ENFORCEMENT HAS BEEN DELEGATED TO STATE AUTHORITIES, AND SHALL CONDUCT ITS OPERATIONS IN ACCORDANCE WITH THE ENVIRONMENTAL LAWS OF THE UNITED STATES.
2. THE DEFENDANT AGREES THAT EACH AND EVERY VESSEL OWNED, OPERATED, MANNED, OR MANAGED BY POLEMBROS, OR FOR WHICH POLEMBROS IS DESIGNATED AS AN INTERNATIONAL SAFETY MANAGEMENT (ISM) MANAGER (COLLECTIVELY “BANNED VESSELS”) IS BARRED AND BANNED, FOR THE ENTIRE TERM OF PROBATION, FROM ENTERING INTO, TRANSITING, MOORING, ANCHORING, DOCKING AT, OR BEING PRESENT UPON ANY PORT OR TERMINAL, ANCHORAGE, INTERNAL WATERS, NAVIGABLE WATERS, OR TERRITORIAL SEA OF THE UNITED STATES. AS REFLECTED IN THE PLEA AGREEMENT, THE “TERRITORIAL SEA” EXTENDS 12 NAUTICAL MILES FROM ANY UNITED STATES BASELINE, REGARDLESS OF WHETHER THAT BASELINE IS LOCATED ON THE NORTH AMERICAN MAINLAND OR AN ISLAND STATE, POSSESSION, TERRITORY, OR COMMONWEALTH. THE PARTIES AGREE THAT A NON-EXHAUSTIVE LIST OF BANNED VESSELS IS ATTACHED HERETO AS APPENDIX A. POLEMBROS AGREES THAT IT SHALL IMMEDIATELY NOTIFY THE GOVERNMENT AND THE UNITED STATES PROBATION OFFICE IN WRITING WHEN A VESSEL MEETS THE REQUIREMENTS OF BEING INCLUDED ON THE BANNED VESSEL LIST. ANY VESSEL NOT CURRENTLY ON APPENDIX A, WHICH IS OR BECOMES OWNED, OPERATED, MANNED, OR MANAGED BY POLEMBROS, OR FOR WHICH POLEMBROS IS OR BECOMES DESIGNATED AS AN ISM MANAGER SHALL BE SUBJECT TO THE CONDITIONS OF PROBATION AS SET FORTH IN THIS PLEA AGREEMENT THROUGHOUT THE REMAINDER OF THE PROBATION TERM. AT THE EARLIER OF SENTENCING OR THE START OF A COMMERCIAL AGREEMENT WITH POLEMBROS, THE DEFENDANT MUST NOTIFY OWNERS, CHARTERERS, AND OFFICERS OF BANNED VESSELS IN WRITING OF THIS CONDITION AND THE CONDITION IN PARAGRAPH 6(c) *INFRA*. THIS PARAGRAPH IS ENFORCEABLE AGAINST ALL BANNED VESSELS AS OF SENTENCING, HOWEVER, THE PARTIES AGREE THAT THE INITIAL ENFORCEMENT OF THIS PARAGRAPH AGAINST THE VESSEL *KEROS WARRIOR* (IMO No. 8718146) IS DELAYED UNTIL JUNE 8, 2010.
3. MOREOVER, BANNED VESSELS ARE COMPLETELY BANNED FROM ENTERING OR BEING PRESENT IN THE TERRITORIAL SEA FOR PURPOSES OF TRADE, COMMERCE, OR COMMERCIAL ACTIVITY IN THE UNITED STATES. NEVERTHELESS AND NOTWITHSTANDING PARAGRAPH 6(b) *SUPRA*, A BANNED VESSEL MAY TRANSIT THE UNITED STATES TERRITORIAL SEA IF (i) IT IS ENGAGED IN INNOCENT PASSAGE AND (ii) IT DOES NOT STOP, LINGER, ANCHOR, ATTACH TO A MOORING, BUNKER, OFFLOAD CARGO, TRANSFER FUEL, TAKE ON SUPPLIES OR CARGO, CONDUCT BUSINESS WITH ANY CHANDLER, OR CALL ON ANY UNITED STATES PORT, TERMINAL, OR OFFSHORE FACILITY. THIS PARAGRAPH IS ENFORCEABLE AGAINST ALL BANNED VESSELS AS OF SENTENCING, HOWEVER, THE PARTIES AGREE THAT THE INITIAL ENFORCEMENT OF THIS PARAGRAPH AGAINST THE VESSEL *KEROS WARRIOR* (IMO No. 8718146) IS DELAYED UNTIL JUNE 8, 2010.
4. THE DEFENDANT SHALL NOT TAKE ADVERSE ACTION, NOR SHALL IT RECOMMEND THE TAKING OF ADVERSE ACTION TO ANY MANNING COMPANY OR CERTIFICATION AGENCY, AGAINST THE OFFICERS AND CREW MEMBERS OF THE *THEOTOKOS* THAT COOPERATED WITH THE INVESTIGATION OF THIS MATTER, NOR SHALL ADVERSE ACTION BE TAKEN OR RECOMMENDED FOR THEIR PARTICIPATING IN EVENTS THAT LEAD TO THE INVESTIGATION AND PROSECUTION OF THIS MATTER. PROHIBITED ADVERSE ACTIONS INCLUDE, BUT ARE NOT LIMITED TO, DISMISSAL FROM SERVICE, REFUSAL TO OFFER FUTURE WORK ASSIGNMENTS, AND NEGATIVE PERFORMANCE REVIEWS. THIS CONDITION DOES NOT APPLY TO ANY CREW MEMBER OR OFFICER WHO IS CHARGED WITH CRIMINAL CONDUCT RELATED TO THIS INVESTIGATION.
5. THE DEFENDANT SHALL CONTINUE TO COMPLY WITH THE TERMS OF THE SURETY AGREEMENT WITH THE UNITED STATES COAST GUARD (USCG) AND SHALL FULLY PROVIDE SALARY, NEEDED MEDICAL CARE, AND ROOM AND BOARD TO EACH CREW MEMBER AND OFFICER OF THE *THEOTOKOS* THAT IS CURRENTLY IN THE EASTERN DISTRICT OF LOUISIANA UNTIL EITHER, (i) THE GOVERNMENT CLEARS THE PARTICULAR CREW MEMBER OR OFFICER FOR DEPARTURE, OR (ii) THE PERSON IS REMANDED TO THE CUSTODY OF THE FEDERAL BUREAU OF PRISONS. IN ANY EVENT, THE DEFENDANT SHALL PROMPTLY, AND NO LATER THAN 72 HOURS, ARRANGE AND PAY FOR AIRFARE OUT OF THE UNITED STATES ONCE A PARTICULAR CREW MEMBER OR OFFICER HAS BEEN CLEARED FOR DEPARTURE OR IS RELEASED FROM THE CUSTODY OF THE BUREAU OF PRISONS. (NON-PRISON COMMUNITY CONFINEMENT IS CONSIDERED AS WITHIN THE CUSTODY OF THE BUREAU OF PRISONS.) THE GOVERNMENT AGREES TO CLEAR NON-DEFENDANT CREW MEMBERS AND OFFICERS FOR DEPARTURE ONCE PLEAS HAVE BEEN ACCEPTED BY THE COURT FOR POLEMBROS AND ANY OTHER DEFENDANTS IN THIS MATTER.

DEFENDANT: POLEMBROS SHIPPING LTD.
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CRIMINAL MONETARY PENALTIES

The defendant must pay any imposed fine or restitution under the schedule of payments on Sheet 6.
The special assessment is due immediately.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 2,000.00	\$ 2,700,000.00	\$ 0

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such 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 nonfederal 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>
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TOTALS	\$ _____	\$ _____
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Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on 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 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

X 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 X fine restitution.

the interest requirement for the fine restitution is modified as follows:

* 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.

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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 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:

IN ADDITION TO THE FINE, THE DEFENDANT IS ORDERED TO PAY A COMMUNITY SERVICE PAYMENT IN THE AMOUNT OF \$100,000.00 TO THE SMITHSONIAN ENVIRONMENTAL RESEARCH CENTER (SERC), A SUBUNIT OF THE SMITHSONIAN INSTITUTE. THE FINE AND COMMUNITY SERVICE PAYMENT SHALL BE PAID IN FULL WITHIN 72 HOURS OF SENTENCING.

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 payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- 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:

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.