

UNITED STATES DISTRICT COURT

Southern District of Indiana

UNITED STATES OF AMERICA

AMENDED JUDGMENT IN A CRIMINAL CASE

V. CHRIS DUCEY

Case Number: 1:13CR00189-003

USM Number: 11803-028

Date of Original Judgment: 2/18/2016 (Or Date of Last Amended Judgment)

Michael J. Donahoe Defendant's Attorney

Reason for Amendment:

- Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
Correction for Clerical Mistake (Fed. R. Crim. P. 36)
Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
Direct Motion to District Court Pursuant 28 U.S.C. § 2255 or 18 U.S.C. § 3559(c)(7)
Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

- pleaded guilty to count(s) 1,5,6,7,8,9,10,13,14,15,16,17,18,19,20,21,22,23,24,25,37, and 38
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 4 columns: Title & Section, Nature of Offense, Offense Ended, Count. Rows include 18 U.S.C. § 371 (Conspiracy to Defraud the United States) and 18 U.S.C. § 287 (False Claims Against the Internal Revenue Service).

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)
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.

3/2/2016 Date of Imposition of Judgment

Sarah Evans Barker SARAH EVANS BARKER, JUDGE United States District Court Southern District of Indiana

3/22/2016 Date



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ADDITIONAL COUNTS OF CONVICTION
(Continual)

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 287	False Claims Against the Internal Revenue Service	2/2/2011	8
18 U.S.C. § 287	False Claims Against the Internal Revenue Service	2/17/2011	9
18 U.S.C. § 287	False Claims Against the Internal Revenue Service	2/24/2011	10
18 U.S.C. § 1343	Wire Fraud	6/22/2010	13
18 U.S.C. § 1343	Wire Fraud	7/29/2010	14
18 U.S.C. § 1343	Wire Fraud	8/11/2010	15
18 U.S.C. § 1343	Wire Fraud	9/29/2010	16
18 U.S.C. § 1343	Wire Fraud	10/19/2010	17
18 U.S.C. § 1343	Wire Fraud	11/12/2010	18
18 U.S.C. § 1343	Wire Fraud	11/15/2010	19
18 U.S.C. § 1343	Wire Fraud	12/21/2010	20
18 U.S.C. § 1343	Wire Fraud	1/24/2011	21
18 U.S.C. § 1343	Wire Fraud	2/23/2011	22
18 U.S.C. § 1343	Wire Fraud	3/7/2011	23
18 U.S.C. § 1343	Wire Fraud	4/12/2011	24
18 U.S.C. § 1343	Wire Fraud	5/3/2011	25
18 U.S.C. § 1519	Obstruction of Justice	8/31/2011	37
18 U.S.C. § 1519	Obstruction of Justice	12/31/2011	38

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of : 72 months
Count 1: 60 months, Counts 5-10: 72 months, Counts 13-25: 72 months, Count 37 and 38: 72 months, all counts concurrent.

The court makes the following recommendations to the Bureau of Prisons:
That the defendant be designated to the prison camp in Terre Haute, Indiana; Milan, Michigan; or as close to North Webster, Indiana as possible.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____ .

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____ .

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : 3 years per count, concurrent.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

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 risk of 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, works, or is a 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 conditions listed below:

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 in a manner and frequency directed by the court or probation officer.
3. The defendant shall answer all inquiries by the probation officer and follow the instructions of the probation officer.
4. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.
5. The defendant shall notify the probation officer prior to any change in residence or employer.
6. The defendant shall not meet, communicate, or otherwise interact with a person whom the defendant knows to be engaged, or planning to be engaged, in criminal activity, or whom the defendant knows to have been convicted of a felony, unless granted permission to do so by the probation officer.
7. The defendant shall permit a probation officer to visit him or her at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.
8. The defendant shall notify the probation officer within 72 hours of being arrested or having any official law enforcement contact.

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- 9. The defendant shall provide the probation officer access to any requested financial information.
- 10. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the condition of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

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CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 2,200.00	\$	\$ 56,135,811.00

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant shall 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>
See Attached			

TOTALS \$ _____ \$ _____

- 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).
- 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 fine and/or 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 is due as follows:

- A Lump sum payment of _____ due immediately, balance due
 - not later than _____, or
 - in accordance C D E, or G below; or
- B Payment to begin immediately (may be combined with C, D, or G 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 If this case involves other defendants, each may be held jointly and severally liable for payment of all or part of the restitution ordered herein and the Court may order such payment in the future. The victims' recovery is limited to the amount of loss, and the defendant's liability for restitution ceases if and when the victims receive full restitution.
- G Special instructions regarding the payment of criminal monetary penalties:
 Any unpaid restitution balance during the term of supervision shall be paid at a rate of not less than 10% of the defendant’s gross monthly income.

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.

<u>Defendant Name</u>	<u>Case Number</u>	<u>Joint & Several Amount</u>
Joseph Furando	1:13CR00189-004	\$ 56,135,811.00
E-Biofuels	1:13CR00189-006	\$ 56,135,811.00
Caravan Trading Company	1:13CR00189-007	\$ 56,135,811.00
Cima Green	1:13CR00189-008	\$ 56,135,811.00
Brian Carmichael	1:13CR00194-001	\$ 56,135,811.00

- 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:
 All personal property and assets seized by the government.

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.

<u>Victim</u>	<u>Restitution Amount</u>
ARCHER DANIELS MIDLAND COMPANY	\$10,253.00
ASTRA OIL COMPANY, LLC	\$237,736.00
ATLANTIC TRADING & MARKETING	\$65,600.00
ATLAS OIL COMPANY	\$96,425.00
BAY AREA DIABLO D/B/A GOLDEN PETROLEUM	\$76,860.00
BP PRODUCTS NORTH AMERICA	\$1,118,765.00
BUCKEYE PIPE LINE COMPANY, LP	\$37,724.00
CARSON OIL COMPANY	\$57,845.00
CHEVRON USA, INC.	\$1,095,428.00
CHRONISTER OIL	\$72,861.00
CITGO PETROLEUM CORPORATION	\$868,803.00
CITY SERVICE VALCON, LLC	\$13,169.00
COFFEYVILLE RESOURCES REFINING	\$10,975.00
COLONIAL OIL INDUSTRIES, INC	\$94,792.00
ENI TRADING & SHIPPING, INC.	\$29,671.00
EQUITABLE OIL PURCHASING	\$4,034.00
EXXON MOBIL CORPORATION	\$3,867,792.00
FLINT HILLS RESOURCES, LP	\$173,608.00
GEORGE E. WARREN CORPORATION	\$2,293.00
GLENCORE LTD	\$36,765.00
GULF OIL LIMITED PARTNERSHIP	\$17,152.00
HARTLAND FUEL PRODUCTS, LLC	\$205,064.00
HESS CORPORATION	\$151,600.00
HOLLY FRONTIER REFINING & MARKETING, LLC	\$478,302.00

HOUSTON REFINING, LP	\$277,766.00
IPC (USA), INC	\$69,896.00
IRVING OIL TERMINALS, INC	\$214,181.00
KEMPLER & COMPANY, INC.	\$66,493.00
KOLMAR AMERICAS, INC.	\$257,898.00
LANSING TRADE GROUP, LLC	\$72,454.00
LINCOLN OIL COMPANY	\$20,653.00
LUKOIL PAN AMERICAS, LLC	\$83,862.00
MAGELLAN ASSET SERVICES, LP	\$7,645.00
MARATHON PETROLEUM COMPANY, LP	\$604,773.00
MKM OIL, INC.	\$10,134.00
MOTIVA ENTERPRISES, LLC	\$620,676.00
MURPHY OIL USA, INC.	\$292,084.00
MUSKET CORPORATION	\$110,871.00
NATIONAL COOP REFINERY ASSOC	\$566,819.00
NELLA OIL COMPANY LLC N/K/A FLYERS	\$18,704.00
NIC HOLDING CORP	\$27,134.00
NOCO ENERGY CORP	\$803.00
PASADENA REFINING SYSTEMS, INC	\$13,228.00
PAULSBORO REFINING COMPANY, LLC	\$3,591.00
PETROLEUM PRODUCTS GROUP N/K/A PYRAMID, LLC	\$38,532.00
PHILLIPS 66 COMPANY	\$649,000.00
PILOT/FLYING J	\$5,192,150.00
PMCI SERVICES, INC. D/B/A/ RIN ALLIANCE	\$22,782.00
SHELL CHEMICAL LP- MOBILE	\$109,120.00

SHELL OIL COMPANY	\$151,815.00
SHELL OIL PRODUCTS (US)	\$68,545.00
SHELL TRADING (US) COMPANY	\$109,798.00
SOUND REFINING, INC. A/K/A TARGA SOUND REFINING	\$58,835.00
STATOIL MARKETING & TRADING	\$39,816.00
SUNOCO, INC (R&M)	\$1,047,971.00
TESORO CORPORATION	\$768,786.00
TOTAL PETROCHEMICALS & REFINING USA, INC.	\$131,138.00
TRAFIGURA AG	\$551.00
VALERO ENERGY CORPORATION	\$1,195,679.00
VENTURE FUELS, LLC	\$112,568.00
VICNRG, LLC	\$203,749.00
VINMAR OVERSEAS	\$1,551.00
VITOL, INC	\$197,255.00
WESTERN REFINING COMPANY	\$81,310.00
WESTERN REFINING SOUTHWEST, INC	\$9,293.00
WRB REFINING, LP	\$699,907.00
INTERNAL REVENUE SERVICE	\$33,082,478.00