

**UNITED STATES DISTRICT COURT
Eastern District of Virginia
Norfolk Division**

UNITED STATES OF AMERICA

v.

Case Number: 2:09cr162

USM Number: 25942-056

WAYNE MARLON BENEDIC LEZAMA

Defendant.

Defendant's Attorney:
Walter Dalton, Assistant Federal Public Defender

JUDGMENT IN A CRIMINAL CASE

The defendant pleaded guilty to Count One (1) of the Indictment.

Accordingly, the defendant is adjudged guilty of the following count involving the indicated offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Offense Class</u>	<u>Offense Ended</u>	<u>Count</u>
T. 18 U.S.C. 1343 and 2	Wire Fraud	Felony	January, 2007	One (1)

On motion of the United States, the Court has dismissed Count Two (2).

As pronounced on February 23, 2010, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is 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 must notify the court and United States Attorney of material changes in economic circumstances.

Signed this 24th day of February, 2010.

/s/
Henry Coke Morgan, Jr.
Senior United States District Judge

Henry Coke Morgan, Jr.
United States District Judge

Case Number: 2:09cr162
Defendant's Name: WAYNE MARLON BENEDIC LEZAMA

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **SIXTY (60) MONTHS**.

The defendant shall surrender to the United States Marshal of this district by 12:00 p.m. on March 5, 2010.

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

Case Number: 2:09cr162
Defendant's Name: WAYNE MARLON BENEDIC LEZAMA

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **FIVE (5) YEARS**.

The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

The defendant shall 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 periodic drug tests thereafter, as determined by the court.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with the standard conditions that have been adopted by this court set forth below:

- 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 dependants 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 narcotic or other controlled substance or any paraphernalia related to such 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 for a special agent of a law enforcement agency without the permission of the court;
- 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.

Case Number: 2:09cr162
Defendant's Name: WAYNE MARLON BENEDIC LEZAMA

SPECIAL CONDITIONS OF SUPERVISION

While on supervised release, pursuant to this Judgment, the defendant shall also comply with the following additional special conditions:

- 1) As reflected in the presentence report, the defendant presents a low risk of future substance abuse and therefore, the court hereby suspends the mandatory condition for substance abuse testing as defined by T.18 USC 3563(a)(5). However, this does not preclude the U.S. Probation Office from administering drug tests as they deem appropriate.
- 2) The defendant shall not incur new credit charges or open additional lines of credit without the approval of the Probation Officer.
- 3) The defendant shall provide the Probation Officer access to any requested financial information.
- 4) The defendant shall make such payments as may be ordered by the Court having jurisdiction over his two older children. If upon release from confinement, the defendant continues to live with and support his younger children, the Court will make no provision of the support of those children, as long as the defendant is supporting them, but reserves the right to order child support in the event it becomes necessary.
- 5) The defendant is prohibited from engaging in any aspect of the mortgage business or the sale of real estate.
- 6) The defendant is directed to make restitution in the amount of \$1,150,570.30 to the victims listed in the Restitution Judgment filed 2/23/10. The defendant shall make restitution payments in the amount of \$500.00 per month, beginning sixty days after his release from confinement.

Case Number: 2:09cr162
Defendant's Name: WAYNE MARLON BENEDIC LEZAMA

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
One (1)	\$100.00	\$0.00	\$1,150,570.30
TOTALS:	\$100.00	\$0.00	\$1,150,570.30

FINES

No fines have been imposed in this case.

The Court waives the cost of prosecution, incarceration, and supervised release.

RESTITUTION

SEE RESTITUTION JUDGMENT FILED IN OPEN COURT ON FEBRUARY 23, 2010.

The defendant is directed to make restitution in the amount of \$1,150,570.30 to the victims listed in the Restitution Judgment.

The defendant shall make restitution payments to the Clerk of the U. S. District Court in the amount of \$500.00 per month, beginning sixty days after his release from confinement.

All payments shall be made to the Clerk of Court, United States District Court, 600 Granby Street, Norfolk, Virginia, 23510.

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 restitution as long as the defendant makes the monthly payments required in the Restitution Judgment.

Defendant's Name: WAYNE MARLON BENEDIC LEZAMA
Case Number: 2:09cr162

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

The special assessment shall be due in full immediately and if not, then it is to be deducted from the defendant's prison account in accordance with the rules and regulations applicable to such accounts.

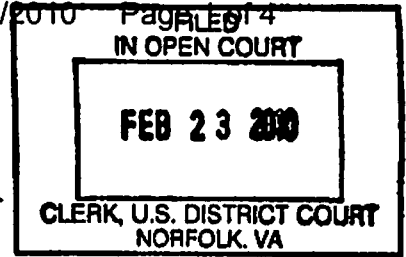
The restitution shall be paid immediately and if not, then any balance remaining unpaid shall be paid to the Clerk of the U. S. District Court, 600 Granby Street, Norfolk, Virginia, 23510, in \$500.00 monthly installments, beginning sixty days after his release from confinement.

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.

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.

Nothing in the court's order shall prohibit the collection of any judgment, fine, or special assessment by the United States.



IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA NORFOLK DIVISION

UNITED STATES OF AMERICA

v.

No. 2:09cr00162

WAYNE MARLON BENEDIC LEZAMA.

RESTITUTION JUDGMENT

- 1. The defendant is sentenced to pay, as restitution, \$1,150,570.30.
- 2. The amount of restitution paid to any victim shall not exceed the victim's total loss from the offense of conviction.
- 3. The victims' names and addresses, and each victim's total loss, is listed in Attachment A to this Restitution Judgment.

4. Interest:

 is waived, so long as the defendant makes the monthly ^{WBD} _{RFV} required by the order.

 accrues as provided in 18 U.S.C. § 3612(f).

5. Restitution is due immediately, and notwithstanding any other provision of this Restitution Judgment, the Government may enforce restitution at any time. The defendant shall make a bona fide effort to pay restitution in full as soon as practical.

6. If incarcerated, the defendant shall participate in the Bureau of Prisons' Inmate Financial Responsibility Program at a rate of at least \$25 per quarter, or if assigned as a UNICOR grade 1 through 4 employee, at least 50% of the prisoner's monthly pay.

7. The defendant shall pay to the Clerk at least \$500.00 per month beginning 60 days after his release from confinement ^{WBD} _{RFV}

8. All payments shall be made to the Clerk of Court, United States District Court, 600 Granby Street, Norfolk, VA 23510-1811.

9. The defendant shall notify, within 30 days, the Clerk of Court and the United States Attorney's Office, Financial Litigation Unit, 8000 World Trade Center, Norfolk, VA 23510 of: (a) Any change of name, residence, or mailing address; and (b) Any material

RFV ^{WBD}

United States of America v. Wayne Marlon Benedic Lezama, No. 2:09cr00162
Restitution Judgment, page 2

change in economic circumstances that affects the ability to pay restitution.

- 10. No delinquent or default penalties will be imposed except upon Order of the Court.
- 11. Priority of Payments to Victims.

As there is more than one victim, and full amount due as restitution has not been paid, the Clerk shall make payments in \$100.00 increments to each of the victims until all victims have been paid in full. The victim owed the least shall receive the first payment, the victim owed the second least shall receive the second payment, and so on in the order as listed in Attachment A to this Restitution Judgment until all victims have received a payment. The process shall be repeated until all victims have been paid in full.

HENRY COKE MORGAN, JR.
UNITED STATES DISTRICT JUDGE

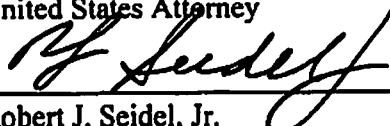


ENTERED this 22nd day of February, 2010.

at Norfolk, Virginia

WE ASK FOR THIS:


Neil H. MacBride
United States Attorney




Robert J. Seidel, Jr.
Supervisory Assistant United States Attorney
Virginia State Bar No. 14940
Attorney for the United States
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, VA 23510
Telephone - 757-441-6331
Facsimile - 757- 441-6689
E-Mail - Rob.Seidel@usdoj.gov

SEEN AND AGREED:

Wayne Marlon Benedic Lezama
Defendant



Walter B. Dalton
Assistant Federal Public Defender
Virginia State Bar No. 23015
Office of the Federal Public Defender
150 Boush Street, Suite 403
Norfolk, VA 23510
Telephone - 757-457-0800
Facsimile - 757-457-0880
E-Mail - Walter.Dalton@fd.org



Wayne Marlon Benedic Lezama
Defendant



United States of America v. Wayne Marlon Benedic Lezama, No. 2:09cr00162
 Restitution Judgment, page 3

ATTACHMENT A TO RESTITUTION JUDGMENT

	Total Due from Wayne Marlon Benedic Lezama to Victim:
HomeEq Servicing c/o CT Corporation System 818 West 7th Street, Suite 200 Los Angeles, CA 90017	\$26,347.36
GMAC ResCap US Residential Finance Group 1100 Virginia Drive MC 190-FTW-L95 Fort Washington, Pennsylvania 19034	\$26,598.78
CitiMortgage, Incorporated Legal Department 1000 Technology Drive, MS 140 O'Fallon, Missouri 63368	\$63,662.85
Residential Credit Solutions, Incorporated 4282 North Freeway Fort Worth, Texas 76137	\$78,202.71
Ocwen Loan Servicing 1661 Worthington Road Suite 100 West Palm Beach, FL 33406 Attention: Legal Department	\$86,082.58
BAC Home Loans Building C 2595 West Chandler Boulevard MC: AZI-804-01-06 Chandler, Arizona 85224	\$97,800.00
Wilshire Credit Corporation 14523 SW Suite 200 Millikan Way Beaverton, Oregon 97005	\$130,199.92
Litton Loan Servicing 4828 Loop Central Drive Houston, Texas 77081	\$134,043.23

WBD
WBD

United States of America v. Wayne Marlon Benedic Lezama, No. 2:09cr00162
Restitution Judgment, page 4

Saxson Mortgage Services 4708 Mercantile Drive North Fort Worth, Texas 76137	\$136,366.25
Banco Popular N.A. Legal Division 120 Broadway, 16 th Floor New York, NY 10271	\$157,461.15
America's Servicing Company 8480 Stage Coach Circle Frederick, MD 21701 Attention: MAC X3801-026	\$213,805.47
Total Due from Defendant:	\$1,150,570.30

WBD
RD