

**UNITED STATES DISTRICT COURT  
Eastern District of Virginia  
Newport News Division**

UNITED STATES OF AMERICA

v.

Case Number: 4:08cr00050-001

USM Number: 55108-083

**RICHARD N. GARRIES**

Defendant's Attorney: Stephen A. Hudgins, C/A

Defendant.

**JUDGMENT IN A CRIMINAL CASE**

The defendant was found guilty on Counts 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23, and 24 after a plea of not guilty.


Accordingly, the defendant is adjudged guilty of the following counts involving the indicated offenses.

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Offense Class</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. 1349, 1341 and 1343	Conspiracy to Commit Mail and Wire Fraud	Felony	May 2008	1
18 U.S.C. 1343 and 2	Wire Fraud	Felony	August 2006	2-5
18 U.S.C. 1341 and 2	Mail Fraud	Felony	March 2007	6-13
18 U.S.C. 1956(a)(1)(A)(i), (a)(1)(B)(i), (a)(1)(B)(ii) and 2	Money Laundering to Promote and Conceal Mail and Wire Fraud	Felony	December 2007	14-20
31 U.S.C. 5324(a)(3) and (d)(2)	Structuring Financial Transactions	Felony	November 2006	21
18 U.S.C. 1001	Making Materially False Statements to Agents of United States	Felony	December 2006	22-24

As pronounced on October 13, 2009, the defendant is sentenced as provided in pages 2 through 7 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 19 day of Oct. 2009.

  
 \_\_\_\_\_  
 Robert G. Eggenmar  
 Senior United States District Judge

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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 **TWO HUNDRED FORTY (240) MONTHS**.

This term consists of TWO HUNDRED FORTY (240) months on Counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20; a term of ONE HUNDRED TWENTY (120) months on Count 21; and a term of SIXTY (60) months on Counts 22, 23, and 24, all to be served concurrently.

However, the term of imprisonment by this judgment shall run consecutive to the sentence imposed in case number 2:03cr69, in the United States District Court for the Eastern District of Virginia.

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

**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 **THREE (3) YEARS**.

This term consists of **THREE (3) years** on Counts 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23 and 24, all to run concurrently.

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.

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### **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 U.S.C. 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 apply monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation, including restitution.
- 5) The defendant shall pay for the support of any minor children that he may have in the amount ordered by any social service agency or court of competent jurisdiction. In the absence of any such order, payments are to be made on a schedule to be determined by the court at the inception of supervision, based on defendant's financial obligations.
- 6) The defendant is prohibited from engaging in any occupation where the defendant would have access to individual's personal or financial information.
- 7) The defendant shall not open or have access to any checking account.
- 8) The defendant is prohibited from engaging in any aspect of the real estate or brokerage business or any similar occupation, including self-employment, where the defendant would be in the business of buying, selling, or mortgaging property of any kind, nature or description whether real estate or personal property.

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### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 7.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
1	\$100.00	\$0.00	\$961,946.66
2	\$100.00	\$0.00	\$0.00
3	\$100.00	\$0.00	\$0.00
4	\$100.00	\$0.00	\$0.00
5	\$100.00	\$0.00	\$0.00
6	\$100.00	\$0.00	\$0.00
7	\$100.00	\$0.00	\$0.00
8	\$100.00	\$0.00	\$0.00
9	\$100.00	\$0.00	\$0.00
10	\$100.00	\$0.00	\$0.00
11	\$100.00	\$0.00	\$0.00
12	\$100.00	\$0.00	\$0.00
13	\$100.00	\$0.00	\$0.00
14	\$100.00	\$0.00	\$0.00
15	\$100.00	\$0.00	\$0.00
16	\$100.00	\$0.00	\$0.00
17	\$100.00	\$0.00	\$0.00
18	\$100.00	\$0.00	\$0.00
19	\$100.00	\$0.00	\$0.00
20	\$100.00	\$0.00	\$0.00
21	\$100.00	\$0.00	\$0.00
22	\$100.00	\$0.00	\$0.00
23	\$100.00	\$0.00	\$0.00
24	\$100.00	\$0.00	\$0.00
<b>TOTALS:</b>	<b>\$2,400.00</b>	<b>\$0.00</b>	<b>\$961,946.66</b>

No fines have been imposed in this case.

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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. Section 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Count</u>	<u>Restitution Ordered</u>
Victim #1	1	\$112,573.72
Victim #2	1	\$127,600.00
Victim #4	1	\$2,300.00
Victim #5	1	\$11,200.00
Victim #6	1	\$26,000.00
Victim #8	1	\$62,850.00
First Magnus Corporation 603 North Wilmont Road Tucson, AZ 85711	1	\$297,917.72
Aurora Loan Services 914 Lexington Avenue Norfolk, VA 23504	1	\$148,907.22
Wilmington Finance Attn: Chris Kelly 401 Plymouth Road, Suite 400 Plymouth Meeting, PA 19462	1	\$45,498.00
Homecoming Financial, LLC 2101 Rexford Road, Suite 250W Charlotte, NC 28211	1	\$66,100.00
Tiede Enterprises, Inc. P.O. Box 2065 Virginia Beach, VA 23450	1	\$61,000.00
<b>TOTALS:</b>		<b>\$961,946.66</b>

Payments of Restitution are to be made payable to Clerk, U.S. District Court.

The defendant is jointly and severally liable for restitution with Terrence K. Boothe, case number 4:08cr50-002.

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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:

Any balance remaining unpaid on the special assessment and restitution at the inception of supervision shall be paid by the defendant in installments of not less than \$300.00 per month, until paid in full. Said payments shall commence 60 days after defendant's supervision begins, if not sooner paid.

The special assessment and restitution shall be due in full immediately.

At the time supervision commences, the probation officer shall take into consideration the defendant's economic status as it pertains to his ability to pay the special assessment and restitution ordered and shall notify the court from time to time of any changes that may be needed to be made to the payment schedule.

Any special assessment or restitution payments may be subject to penalties for default and delinquency.

Since this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

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 or fine by the United States.