

# United States District Court

Eastern District of Missouri

**FILED**

NOV 16 2009

UNITED STATES OF AMERICA

v

RUSSELL TODD MCBRIDE

JUDGMENT IN A CRIMINAL CASE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
CAPE GIRARDEAU

CASE NUMBER: 1:08CR00058CAS

USM Number: 35703-044

Theodore E. Liszewski

Defendant's Attorney

**THE DEFENDANT:**

pleaded guilty to count(s) 1,2,3,4,6,7,8,9,10,11,13,14,15,16,17,18,19,20,22,23,24,25,26,27,28,29,30,31,32,33,34, of the indictment on June 2, 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:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:371	Conspiract to Commit Wire Fraud & Mail Fraud	11/28/206	1
18:1343and 2	Wire Fraud	11/27/2006	2,6,9,13,15,18,22,24,26,28,30,32
18:1341and 2	Mail Fraud	11/28/2006	3,7,10,14,16,19,23,25,27,29,31,33

The defendant is sentenced as provided in pages 2 through 8 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) \_\_\_\_\_ dismissed on the motion of the United States.

IT IS FURTHER 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.

November 16, 2009

Date of Imposition of Judgment

Signature of Judge

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Name & Title of Judge

11/16/2009

Date signed

DEFENDANT: RUSSELL TODD MCBRIDECASE NUMBER: 1:08CR00058CASDistrict: Eastern District of Missouri

## ADDITIONAL COUNTS OF CONVICTION

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:1957 and 2	Money Laundering	8/4/2006	4,8,11,17,20,34

DEFENDANT: RUSSELL TODD MCBRIDE

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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 135 MONTHS

This term consists of 60 months as to count one, 120 months as to count four, eight, eleven, seventeen, twenty, and thirty-four, and 135 months as to counts two, three, six, seven, nine, ten, thirteen through sixteen, eighteen, nineteen, and twenty-two through thirty-three to run concurrently for an aggregate term of 135 months.

The court makes the following recommendations to the Bureau of Prisons:

The court recommends the defendant be placed at an institution as close to the St. Louis Metropolitan Area, as possible, all if consistent with Bureau of Prisons regulations.

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./pm 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

MARSHALS RETURN MADE ON SEPARATE PAGE

DEFENDANT: RUSSELL TODD MCBRIDECASE NUMBER: 1:08CR00058CASDistrict: Eastern District of Missouri**SUPERVISED RELEASE**Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 YEARS

This term consists of 3 years supervised release as to counts one through four, six through eleven, thirteen through twenty, and twenty two through thirty-four for an aggregate term of 3 years 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 illegally 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 directed by the probation officer.

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 as defined in 18 U.S.C. § 921. (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 a restitution obligation, it shall be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment

The defendant shall 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 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 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;
- 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

1. The defendant shall refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of commencement of supervision and at least two periodic drug tests thereafter for use of a controlled substance.
2. The defendant shall provide the probation officer and the Financial Litigation Unit (FLU) of the U. S. Attorney's Office with access to any requested financial information. The defendant is advised that the probation office may share financial information with FLU.
3. The defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or other anticipated or unexpected financial gains to the outstanding Court-ordered financial obligation. The defendant shall immediately notify the probation officer of the receipt of any indicated monies.
4. The defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without the approval of the United States Probation Office so long as there is a balance on the Court imposed financial obligation.
5. The defendant shall not be self-employed or be employed as a "consultant" without the written permission of the probation office.
6. The defendant shall not create, operate, manage or participate in the creation, operation or management of any business entity, including a family business without the written permission of the probation office.
7. The defendant shall pay the restitution as previously ordered by the court.

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**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on sheet 6

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	<u>\$3,100.00</u>	<u>                    </u>	<u>\$9,124,351.14</u>

The determination of restitution is deferred until \_\_\_\_\_ . *An Amended Judgment in a Criminal Case (AO 245C)* will be entered after such a determination.

The defendant shall make restitution, payable through the Clerk of Court, to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional 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>
American Home Mortgage Servicing, 4600 Regent Boulevard #200, Irving, Texas 75063		\$1,193,680.40	
ACC Capital Holdings Corporation Attn: Diana Tiberend, 1100 Town & Country Road, Orange, California 92668		\$21,375.00	
Aurora Loan Service, 10250 Park Meadows Drive, Littleton, Colorado 80124		\$23,200.00	
BAC Home Loan Servicing, L.P. Customer Service, CA6-919-01-41, P.O. Box 5170, Simi Valley, California 92687-5170		\$100,953.00	
FMC Mortgage Corporation, Attn: Customer Service, P.O. Box 293150, Lewisville, Texas 75029		\$172,603.69	
GMAC Mortgage, 3541 Hammond Avenue, Waterloo, Iowa 50702		\$180,363.58	
Homeq Servicing Corporation, 4837 Watt Avenue, North Highlands, California 95660		\$318,816.74	
Select Portfolio Inc., 3045 South 1030 West, Salt Lake City, Utah 84119		\$158,668.93	
Specialized Loan Servicing, 8742 Lucent Blvd, Suite 300, Highland Ranch, Colorado 80129		\$256,704.32	
<u>Totals:</u>	<u>                    </u>	<u>\$9,124,351.14</u>	

Restitution amount ordered pursuant to plea agreement \_\_\_\_\_

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for default and delinquency 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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### ADDITIONAL RESTITUTION PAYEES

Name of Payee	<u>Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Widshire Credit Corporation, 14523 S.W. Millican Way #200, Beaverton, Oregon 97005		\$10,567.90	
Wegis Mortgage, Attn: Legal Department, 11381 Meadowglen Lane, Houston, Texas 77082-2647		\$20,802.44	
Bank of America, P.O. Box 5170, Simi Valley, California 93062		\$18,430.00	
BNC Mortgage, Attn: Legal Department, 1901 Main Street, Irvin California 92614		\$51,913.78	
Commonwealth Unlimited Home, 436 Westover Pines Drive, Richmond, Virginia 23223		\$59,967.09	
Crestar Financial Group, 1966 Greenspring Drive # 610, Timonium, Maryland 21093		\$90,038.62	
Equifirst Corporation Attn: Fraud Manager, 500 Forest Pine Circle, Charlotte, North Carolina 28273		\$320,098.75	
First Magnus Home Loans, Attn: Legal Department, 603 N. Wilmot Road, Tucson, Arizona 85711		\$20,899.58	
First NCL, Attn: Berger Singerman, 200 S. Biscayne Blvd. #1000, Miami, Florida 33131		\$135,050.00	
Harbourton Mortgage, 2121 Alton Parkway, Suite 110, Irvin California 92606		\$82,400.00	
JP Morgan Chase Attn: Martin McHugh, 10151 Deerwood Park Blvd, Jacksonville, Florida 32256		\$4,356,484.51	
Mortgage Mortgage Corporation, Attn: Russell Burdall, 9710 Two Notch Road, Columbia, South Carolina 29223		\$107,419.49	
MortgageIt, 33 Maiden Lane, New York, New York 10038		\$35,560.43	
Novastar Mortgage Inc., 8140 Ward Parkway, Kansas City, Missouri 64114		\$101,800.00	
PNC Financial Services Group, 249 Fifth Avenue, One PNC Plaza, Pittsburgh, Pennsylvania 15222		\$14,849.00	
Vericrest Financial, P.O. Box 24610, Oklahoma City, Oklahoma 73124		\$204,536.30	
Wells Fargo Home Mortgage, 1 Home Campus, MAC# X2302-022, Des Moines, Iowa 50328		\$175,082.90	
Option One Attn: Wilbur Ross, 1166 Avenue of the Americas, 27th Floor, New York, New York 10036		\$146,599.50	
Owint Mortgage Solutions, 27349 Agoura Road, Suite 100, Agoura Hills, California 91301		\$353,844.39	
PCH L, C/O Pachulski Stang Ziehl Young Jones & Weintraub, 10100 Santa Monica Blvd., 11th Floor, Los Angeles, California 90067		\$222,410.23	
People's Choice C/O Pachulski Stang Ziehl Young Jones & Weintraub, 10100 Santa Monica Blvd, 11th Floor, Los Angeles, California 90067		\$169,230.57	

\* Findings for the total amount of losses are required under Chapters 1 09A, 110, 110A, and 11 3A 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 shall be due as follows:

- A  Lump sum payment of \$9,127,451.14 due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance with  C,  D, or  E below; or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  E below; or  F 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  Payment in monthly (e.g., equal, weekly, monthly, quarterly) installments of \$200.00 over a period of \_\_\_\_\_ e.g., months or years), to commence 30 days (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:

The restitution shall be made payable to the mortgage holders and the restitution of the individuals shall be reduced by that amount paid. Individual restitution amounts are listed on the non-public pages made available to the financial unit.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program are made to the clerk of the court.

The defendant will 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.

\$9,124,351.14 is joint and several as to Russell Todd McBride 1:08CR00058-001 and Robert P. Wrolstad 1:08CR00058-001CAS.

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.



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UNITED STATES MARSHAL  
RETURN OF JUDGMENT IN A CRIMINAL CASE

I have executed this judgment as follows:

\_\_\_\_\_

\_\_\_\_\_

The Defendant was delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

- The Defendant was released on \_\_\_\_\_ to \_\_\_\_\_ Probation
- The Defendant was released on \_\_\_\_\_ to \_\_\_\_\_ Supervised Release
- and a Fine of \_\_\_\_\_  and Restitution in the amount of \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

I certify and Return that on \_\_\_\_\_, I took custody of \_\_\_\_\_

at \_\_\_\_\_ and delivered same to \_\_\_\_\_

on \_\_\_\_\_ F.F.T. \_\_\_\_\_

U.S. MARSHAL E/MO

By DUSM \_\_\_\_\_