

United States District Court

Eastern District of Missouri

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v

(For Offenses Committed On or After November 1, 1987)

RICHARD J. AVETTA

Case Number: 4:02CR463 JCH

Steven V. Stenger

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 4

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty

FILED

JAN 17 2003

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Date Offense Concluded</u> | <u>Count Number(s)</u> |
|----------------------------|--------------------------|-------------------------------|------------------------|
| 18 USC 1343 | Wire Fraud | 1995 | 4 |

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.

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.

Defendants Soc. Sec. No.: 495-58-0797

January 17, 2003

Defendant's Date of Birth: June 17, 1951

Date of Imposition of Judgment

Defendant's USM No.: 29555-044

Defendant's Residence Address:

2419 Wismer

St. Louis, MO 63114



Signature of Judicial Officer

Honorable Jean C. Hamilton

United States District Judge

Name & Title of Judicial Officer

Defendant's Mailing Address:

SAME AS ABOVE

January 17, 2003

Date

#23

DEFENDANT: RICHARD J. AVETTACASE NUMBER: 4:02CR463 JCH**PROBATION**The defendant is hereby placed on probation for a term of 3 years

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

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation 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.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation 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.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

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;
- 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.

DEFENDANT: RICHARD J. AVETTA

CASE NUMBER: 4:02CR463 JCH

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall pay the restitution as previously ordered by the Court.
2. The defendant shall refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of the commencement of supervision and at least two periodic drug tests thereafter for use of a controlled substance.
3. The defendant shall provide to the United States Probation Office access to any requested financial information.
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 of the restitution amount imposed.

DEFENDANT: RICHARD J. AVETTA

CASE NUMBER: 4:02CR463 JCH

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

| | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
|---------|-------------------|-----------------------------|---------------------|
| Totals: | <u>\$100.00</u> | <u> </u> | <u>\$440,048.02</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.

| <u>Name of Payee</u> | <u>* Total Amount of Loss</u> | <u>Amount of Restitution Ordered</u> | <u>Priority Order or Percentage of Payment</u> |
|--|-----------------------------------|--|--|
| Advanta Mortgage, 10790 Rancho Bernardo Rd., San Diego, CA 92127 | | \$28,197.87 | |
| Countrywide Home Loans, 4500 Park Granda, Casa Basas, CA 91403 | | \$42,150.16 | |
| Conseco | | \$37,422.67 | |
| Household Finance | | \$24,751.00 | |
| Litton Loan Services, 5373 West Alabama, Ste.600 Houston, TX 77056 | | \$59,321.00 | |
| Mortgage Lenders Network, 213 Court Street, Middletown, CT 60457 | | \$8,055.00 | |
| New Century Mortgage, 18400 Von Karman Ave., Irvine, CA 92612 | | \$121,954.00 | |
| Ocwen Financial | | \$51,185.00 | |
| Southern Pacific | | \$67,011.32 | |
| <u>Totals:</u> | <u> </u> | <u>\$440,048.02</u> | |

If applicable, 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 5, Part B 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 is modified as follows: fine and /or 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.

DEFENDANT: RICHARD J. AVETTACASE NUMBER: 4:02CR463 JCH

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

IT IS FURTHER ORDERED that pursuant to the Mandatory Victims Restitution Act of 1996, and the plea agreement in this case, the defendant shall make restitution in the total amount of \$440,048.02 to: Advanta Mortgage, 10790 Rancho Bernardo Road, San Diego, California, 92127 in the amount of \$28,197.87; Countrywide Home Loans, 4500 Park Granda, Casa Basas, California, 91403 in the amount of \$42,150.16; Conseco in the amount of \$37,422.67; Household Finance in the amount of \$24,751; Litton Loan Services, 5373 West Alabama, Suite 600, Houston, Texas 77056 in the amount of \$59,321; Mortgage Lenders Network, 213 Court Street, Middletown, Connecticut, 60457 in the amount of \$8,055; New Century Mortgage, 18400 Von Karmen Avenue, Irvine, California, 92612 in the amount of \$121,954; Ocwen Financial in the amount of \$51,185; and Southern Pacific in the amount of \$67,011.32, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injuries. Payments of restitution shall be made to the Clerk of Court for transfer to the victims. Restitution is due immediately, but if the defendant is unable to pay the restitution in full immediately, then restitution shall be paid in monthly installments of at least \$200, with payments to commence no later than 30 days after the date of this judgment. The defendant shall notify the United States Attorney for this district within 30 days of any change of mailing or residence address that occurs while any portion of the restitution remains unpaid.

DEFENDANT: RICHARD J. AVETTA

CASE NUMBER: 4:02CR463 JCH

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 \$100.00 due immediately, balance due

not later than _____, or

in accordance with C, D, or E below; or

B Payment to begin immediately (may be combined with C, D, or E 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 _____ (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 release from imprisonment to a term of supervision; or

E Special instructions regarding the payment of criminal monetary penalties:

SEE PAGE (5) OF JUDGMENT FOR PAYMENT DETAILS REGARDING RESTITUTION

Unless the court has expressly ordered otherwise in the special instructions above, if 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, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program are to be made as directed by the court, the probation officer, or the United States attorney.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several
Defendant Name, Case Number, and Joint and Several Amount

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) community restitution; (6) fine interest.(7) penalties, and (8) costs, including cost of prosecution and court costs

UNITED STATES DISTRICT COURT -- EASTERN MISSOURI
INTERNAL RECORD KEEPING

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED, FAXED AND/OR MAILED TO THE
FOLLOWING INDIVIDUALS ON 01/17/03 by clippold
4:02cr463 USA vs Avetta

COPIES FAXED AND/OR MAILED TO THE PARTIES LISTED BELOW AND THE
UNITED STATES PROBATION OFFICE AND UNITED STATES PRETRIAL SERVICE OFFICE.
IF THIS IS A JUDGMENT IN A CRIMINAL CASE SEND CERTIFIED COPIES TO THE
FOLLOWING: 4 Certified Copies to USM
2 Certified Copies to USP
1 Copy to Financial
1 Copy to O.S.U.

Steven Muchnick - 3905
Steven Stenger - 83461

Fax: 314-539-7695
Fax: 314-863-1118

SCANNED & FAXED BY:
JAN 17 2003
C. D. D.