

**UNITED STATES DISTRICT COURT**

MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

CASE NUMBER: 8:10-cr-258-T-17MAP

USM NUMBER: 42721-018

vs.

JOHN W. LEBRON

Defendant's Attorney: John Fernandez, CJA

THE DEFENDANT:

X was found guilty on count(s) one, two, three, four, five, six and seven of the Superseding Indictment after a plea of not guilty.

<u>TITLE &amp; SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 U.S.C. §§ 1014 and 2	Loan and Credit Application Fraud	August 19, 2005	One
18 U.S.C. §§ 1014 and 2	Loan and Credit Application Fraud	March 22, 2006	Two
18 U.S.C. §§ 1014 and 2	Loan and Credit Application Fraud	May 1, 2006	Three
18 U.S.C. §§ 1014 and 2	Loan and Credit Application Fraud	August 17, 2006	Four
18 U.S.C. §§ 1014 and 2	Loan and Credit Application Fraud	January 10, 2007	Five
18 U.S.C. § 1349	Conspiracy to Commit Wire Fraud	February 2009	Six
18 U.S.C. §§ 1343 and 2	Wire Fraud Affecting a Financial Institution	February 2009	Seven

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.

X All count(s) of the underlying Indictment are dismissed on the motion of the United States.

IT IS FURTHER 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.

If ordered to pay restitution, the defendant must notify the court and United States Attorney of any material change in economic circumstances.

Date of Imposition of Sentence: April 19, 2013

  
**ELIZABETH A. KOVACHEVICH**  
**UNITED STATES DISTRICT JUDGE**

DATE: April 22nd, 2013

Defendant: JOHN W. LEBRON  
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### IMPRISONMENT

The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a total term of **THREE HUNDRED (300) MONTHS** as to count(s) one, two, three, four, five, six and seven of the Superseding Indictment. This term consists of a term of **TWO HUNDRED FORTY (240) MONTHS** as to each of counts six and seven to run **CONCURRENTLY** with each other and with the terms imposed in counts one, two, three, four and five; a term of **TWO HUNDRED FORTY (240) MONTHS** as to each of counts one, two, three, four and five to run **CONCURRENTLY** with each other and with the terms imposed in counts six and seven. Additionally, the defendant is committed to the custody of the United States Bureau of Prisons for a term of **SIXTY (60) MONTHS** pursuant to 18 U.S.C. § 3147, as to counts one, two, three, four and five, and this term shall run **CONSECUTIVELY** to all other counts for a total sentence of **THREE HUNDRED (300) MONTHS**. The terms of imprisonment imposed by this judgment shall run **CONSECUTIVELY** to the defendant's term of imprisonment imposed pursuant to the judgement in Docket Number 8:05-cr-75-T-17EAJ, Middle District of Florida Tampa Division which is a term of **TWELVE (12) MONTHS**. The defendant shall receive credit for time served to be calculated by the United States Bureau of Prisons.

- X The Court makes the following recommendations to the United States Bureau of Prisons:
- (1) Incarceration at Coleman, FL or Jesup, GA.
  - (2) 500-hour intensive substance abuse counseling for drugs and medication.
  - (3) Counseling for anxiety and adjustment to prison and necessary medications.
  - (4) Vocational and academic education; defendant wants college courses in philosophy, psychology and liberal arts. Electrical trade, electronics, welding and small business administration.

X 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 **SIXTY (60) MONTHS** as to each of counts one, two, three, four and five and a term of **THIRTY-SIX (36) MONTHS** as to each of counts six and seven, all such terms to run **CONCURRENTLY**.

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 mandatory drug testing requirements of the Violent Crime Control Act are imposed. The Court orders the defendant to submit to random drug testing not to exceed 104 tests per year.
  - ☐ The mandatory drug testing requirements of the Violent Crime Control Act are waived. However, the Court orders the defendant to submit to random drug testing not to exceed 104 tests per year.
  - ☐ The defendant shall not possess a firearm, 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.
  - ☐ 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 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 in the manner and frequency directed by the Court or probation officer.
- 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 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 controlled substance or any 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; and
- 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**

The defendant shall also comply with the following additional conditions of supervised release:

- X The defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, or obligating himself for any major purchases without approval of the probation officer.
- X The defendant shall provide the probation officer access to any requested financial information.
- X The defendant shall refrain from from engaging in any employment related to the mortgage business.

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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>Total Restitution</u>
<b><u>Totals:</u></b>	<b>\$700</b>	<b>\$Waived</b>	<b>\$982,686.49</b>

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

☒ 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. § 3664(i), all non-federal victims must be paid before the United States.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
		\$982,686.49	

**NOTE:** The defendant shall make restitution payable to the Clerk, United States District Court, for distribution to the victims. The United States Probation Office shall provide the victim names, addresses and amounts to the Financial Litigation Unit.

Totals: \$982,686.49

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_.

☐ The defendant must pay interest on a fine or restitution 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 \_\_\_\_ 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 the 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 are due as follows:

- A. ☒ Lump sum payment of \$ 700 for special assessment due immediately.  
    \_\_\_ not later than \_\_\_, or  
    \_\_\_ in accordance \_\_\_ C, \_\_\_ D, \_\_\_ E or \_\_\_ F below; or
- B. ☒ **RESTITUTION PAYMENTS:**  
While in Bureau of Prisons custody, the defendant shall either (1) pay at least \$25 quarterly if the defendant has a non-Unicor job or (2) pay at least 50% of his monthly earnings if the defendant has a Unicor job. Upon release from custody, the defendant shall pay restitution at the rate of \$300 per month. At any time during the course of post-release supervision, the victim, the government, or the defendant, may notify the Court of a material change in the defendant's ability to pay, and the Court may adjust the payment schedule accordingly.
- C. \_\_\_ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ days (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. \_\_\_ Special instructions regarding the payment of criminal monetary penalties:

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 with Patricia Lebron; Case No. 8:10-cr-258-T-17MAP; \$982,686.49; Paul Gogolewski; Case No. 8:10-cr-258-T-17MAP; \$982,686.49; and James Sheffield; Case No. 8:11-cr-304-T-17MAP; \$982,686.49.

\_\_\_ The defendant shall pay the cost of prosecution.

\_\_\_ The defendant shall pay the following court cost(s):

☒ The Court Orders that the defendant forfeit to the United States immediately and voluntarily any and all assets that are previously identified in the Superseding Indictment, that are subject to forfeiture. See attached Forfeiture Order.

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.

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

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JOHN W. LEBRON

**FORFEITURE MONEY JUDGMENT**

THIS CAUSE comes before the Court upon the filing of the United States' Motion for a Forfeiture Money Judgment in the amount of \$1,469,300.00 against defendant John Lebron, under 18 U.S.C. § 982(a)(2) and Federal Rule of Criminal Procedure 32.2(b)(2), which, at sentencing, shall be a final order of forfeiture as to the defendant.

Being fully advised in the premises, the Court hereby finds that as a result of the loan application fraud, conspiracy to commit wire fraud, and wire fraud affecting a financial institution, in violation of 18 U.S.C. §§ 1014, 1349, 1343, and 2, as charged in Counts One through Seven of the Superseding Indictment, for which he has been convicted, John Lebron obtained proceeds in the amount of \$1,469,300.00.

The Court further finds that the United States is entitled, under 21 U.S.C. § 853(p), incorporated by 18 U.S.C. § 982(b)(1), to forfeit any property belonging to the defendant as a substitute asset in satisfaction of his money judgment.

Accordingly, it is hereby

ORDERED and ADJUDGED that the United States' Motion is GRANTED.

It is further ORDERED that, pursuant to 18 U.S.C. § 982(a)(2) and Federal Rule of Criminal Procedure 32.2(b)(2), defendant John Lebron shall be held jointly and severally liable with co-defendants Patricia Lebron and Paul Gogolewski (who are liable for up to \$353,400.00 (\$160,000.00 and \$115,000.00 for 2001 East Seward Street and \$78,400.00 for 8423 North 15<sup>th</sup> Street)), to the United States of America for a forfeiture money judgment in the amount of \$1,469,300.00, representing the amount of proceeds he obtained as a result of the loan application fraud, conspiracy to commit wire fraud, and wire fraud affecting a financial institution, in violation of 18 U.S.C. §§ 1014, 1349, 1343, and 2, as charged in Counts One through Seven of the Superseding Indictment.

The Court retains jurisdiction to enter any further order necessary for the forfeiture and disposition of any property belonging to the defendant that the government may seek, up to the value of the money judgment, and to address any third party claim that may be asserted in these proceedings.

ORDERED in Tampa, Florida, this 19<sup>th</sup> day of APRIL 2012.



ELIZABETH A. KOVACHEVICH  
UNITED STATES DISTRICT JUDGE

Copies to:  
James A. Muench, AUSA  
Counsel of Record