

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
OF THE STATE OF FLORIDA, IN AND FOR SUMTER COUNTY

STATE OF FLORIDA

CASE NO. 2023-CF-001211-A

VS

ROBERT HENRY RIVERNIDER JR

STATE'S SENTENCING MEMORANDUM

COMES NOW, JOSEPH O CHURCH, Assistant State Attorney in the above styled case and submits the following Sentencing Memorandum to this Honorable Court and states the following:

On December 5, 2023, the Defendant was found guilty by a jury of one count of Forgery of a Public Record, one count of Uttering a Forged Public Record, and one count of Fraud in Connection with Casting a Vote. His sentencing was set for January 9, 2024.

“The primary purpose of sentencing is to punish the offender. Rehabilitation is a desired goal of the criminal justice system but is subordinate to the goal of punishment.”

§921.002(1)(b), Fla. Stat.

Sections One and Two of the Criminal Punishment Code Scoresheet (scoresheet) contain the convictions for the above listed charges and bring a total of 11.90 points to his scoresheet. Because he has 18 prior felony convictions under Federal statutes, the State has prepared this memorandum to explain the scoring of his prior record. Under the Florida Rules of Criminal Procedure, for the “Prior Record” portion of the scoresheet, out-of-state and Federal convictions must be scored using an analogous Florida statute. Fla.R.Crim.P. 3.701(d)(5)(B).

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Sixteen of the Defendant's prior convictions are under Federal Statute §18 U.S.C. 1343, Wire Fraud, and two are under Conspiracy to Commit Wire Fraud, §18 U.S.C. 1349. The analogous Florida Statute is §817.034(1)(b), Organized Fraud. "The Act appears to be patterned in substantial part after the Federal wire and mail fraud statutes, 18 U.S.C. §§ 1341 and 1343." *Russell v. State*, 675 So.2d 961, 963 (Fla. 1d DCA 1996). The primary difference between the Federal statute and its Florida equivalent lies in the punishment section. §18 U.S.C. 1343 contemplates a fine of up to \$1,000,000 and 30 years imprisonment. §814.034 indicates that a person who obtains property of \$50,000 or more is guilty of a felony of the first degree; if the amount of property is more than \$20,000 but less than \$50,000, it is a felony of the second degree; and if the amount is less than \$20,000, it is a felony of the third degree. *See* §814.034(4).

In order to properly determine the scoring of the Defendant's prior record, the State must then turn to the charging instrument and any other judgments. A court should only look at the elements of a conviction, not the underlying facts, to determine the analogous Florida statute. *Harris v. State*, 674 So.2d 110, 112 (Fla. 1996) citing *Dautel v. State*, 658 So.2d 88 (Fla. 1995). "Underlying facts" refers to police reports, testimony, or other evidence. *Knarich v. State*, 866 So.2d 165, 169 (Fla. 2d DCA 2004). The trial court may consider charging documents and other judgments in the case to determine if a foreign conviction is analogous to a Florida statute. *Id.* This is the procedure when the potentially applicable Florida Statute has multiple subsections, as is the case here. *Bracey v. State*, 109 So.3d 311, 314 (Fla. 2d DCA 2013). The State has attached a copy of the conviction in Federal case 3:10CR000222(RNC), a copy of the Indictment, and a copy of the Restitution Order (composite exhibit "A") to determine the proper felony degree for each charge. While the total restitution ordered was over \$22,140,765.99 for all the victims in the

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case, the State cross-referenced the victims named on the Indictment with those listed on the Restitution Order.

The grand total for Count 1 and the "No More Bills" conspiracy victims, listed on the Restitution Order as "NMB" victims, was \$837,352.62. Because that amount is over \$50,000, Count 1 would be a felony of the first degree. However, because Count 1 is a conspiracy charge, under Florida Law that charge becomes a felony of the second degree. §777.04.

For Counts 2-8, the State cross referenced "No More Bills" victims listed individually on the restitution order with the victims listed by first name and last initial on the indictment. Under Count 2, the State was unable to determine who Michael M was on the Restitution Order and left this as the base-level felony of the third degree. For Count 3, Richard B is Richard Brooks, with a total of \$60,110 in restitution, making his count a felony of the first degree. For Count 4, Maria M is Maria Martins with a total of \$33,338 restitution, making Count 4 a felony in the second degree. For Count 5, Robben W is Robben and Mark West, with a total restitution of \$87,300, making Count 5 a felony in the first degree. For Count 6, Joel B, the State was unable to determine who this person was on the Restitution Order, so the State left this as the base-level felony of the third degree. For Count 7, Scot M is Scott Meyer (Meyer's Motors) on the Restitution Order and had a total restitution of \$42,000, making this a felony of the second degree. Finally, for Count 8, Louis C is Lou Carlson and had a total restitution of \$34,500, making this count a felony of the second degree.

For Count 9 on the Indictment, the grand total for "Lender Victims" listed on the Restitution Order is \$21,303,440.37. Because that amount is over \$50,000, Count 9 would be a

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felony of the first degree. However, because Count 9 is a conspiracy charge, under Florida Law, that charge becomes a felony of the second degree. §777.04.

Counts 10-18 listed natural persons on the indictment, but none were listed on the Restitution Order, only the financial institutions. Counts 10-13 list Suntrust as the financial institution victim. Suntrust's total restitution on the Restitution Order was 2,948,399. Divided by four for the four times Suntrust is listed on the indictment, the total for each count on Counts 10-13 is \$737,099. This makes Counts 10-13 all felonies of the first degree. For Counts 14-18, the total restitution amount for Wells Fargo (not as trustee for any other organization) is \$4,978,973. Again, the Indictment lists a lender victim and a natural person, but there are no natural persons on the Restitution Order, only lenders. Therefore, the State divided the Wells Fargo restitution by five: \$995,795 per count. That makes counts 14-18 all felonies of the first degree.

Totaled together, based on a comparison of the Indictment and the Restitution Order, the scoresheet for the Defendant reflects a total of eleven level seven first degree felony counts of Organized Fraud §817.034; two counts of level six second degree felony Conspiracy to Commit Organized Fraud §817.034; three counts of level five felony of the second-degree Organized Fraud §817.034; and two counts of level three felony of the third degree Organized Fraud §817.034.

This gives the defendant a total of 186 prior record points, putting his point total at 197.90. Based on that, his lowest permissible prison sentence in months is 127.425. The Defendant may be sentenced up to 15 years in the Department of Corrections. The State is recommending an 11-year prison sentence or 132 months.

WHEREFORE the State has submitted a Sentencing Memorandum explaining the scoresheet it has submitted.

Respectfully submitted this 19th day of December, 2023.

/s/ JOSEPH O CHURCH
JOSEPH O CHURCH
Assistant State Attorney
Florida Bar No. 0115110
215 E McCollum Ave
Suite 102
Bushnell, FL 33513
(352) 569-6650
eservicesumter@sao5.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above has been furnished to Anthony Sabatini
411 N Donnelly St, Ste 313 Mount Dora, FL 32757, by hand or mail delivery or electronic
service this 18th day of December, 2023.

/s/ JOSEPH O CHURCH
JOSEPH O CHURCH

FILED
 UNITED STATES DISTRICT COURT
 DISTRICT OF CONNECTICUT

UNITED STATES

JUDGMENT

2013 DEC 23 A 10:49

V.

CASE NO. 3:10CR222(RNC)

ROBERT RIVERNIDER

US DISTRICT COURT
HARTFORD CT
USM: 96006-004

Government's Counsel:
 John H. Durham
 Christopher W. Schmeisser
 U.S. Attorney's Office
 157 Church Street, 23rd floor
 New Haven, Connecticut 06510

I Hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District Court for the District of Connecticut.

Date Filed: 12/23/13
 Dinah Milton Kinney, Clerk

By: 
 Deputy Clerk

Defendant's Counsel:
 James W. Bergenn
 Shipman & Goodwin
 One Constitution Plaza
 Hartford, Connecticut 06103-1919

The defendant pleaded guilty to Counts One through Eighteen of the Indictment. Accordingly, the defendant is adjudicated guilty of the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Concluded</u>	<u>Counts</u>
18 U.S.C. § 1349	Conspiracy to Commit Wire Fraud	April 2008	1 & 9
18 U.S.C. § 1343	Wire Fraud	April 2008	2-8
18 U.S.C. § 1343	Wire Fraud	April 2008	10-18

The following sentence is imposed pursuant to the Sentencing Reform Act of 1984. The Court imposes a non-Guidelines sentence. A lengthy period of imprisonment is necessary in this case to adequately serve the purposes of a criminal sentence under 18 U.S.C. § 3553 in view of the nature, scope and duration of the fraudulent conduct of the defendant and his co-conspirators, the defendant's role as the leader of the conspiracy, and the extensive harm, both economic and non-economic, that was foreseeably caused to the numerous victims of the defendant's fraudulent schemes, especially the individual victims and their families. The extraordinarily long sentence suggested by U.S.S.G. § 2B1.1 is harsher than necessary, however, because the defendant is a 48 year old first offender with two young children, which makes any period of incarceration particularly punitive for him; he did not set out to cause harm; the harm caused by his fraudulent conduct was greatly increased by the collapse of the real estate market; any financial benefit he derived from the fraudulent schemes was minimal compared to the losses; and although his request for a diminished capacity departure under U.S.S.G. § 5K2.13 has been denied, he does appear to suffer from an untreated mental health condition that is present to an unusual degree and likely was a factor in his offense conduct.

IMPRISONMENT

The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 144 months on each of Counts 1 through 18, all terms to be served concurrently. The defendant will self-surrender to the facility designated by the Bureau of Prisons no later than 11:00 a.m. on January 29, 2014. In the absence of a designation, the defendant will self-surrender to a Bureau of Prisons facility as directed by the United States Marshal for the Southern District of Florida.

RECOMMENDATIONS TO THE BUREAU OF PRISONS

The Court recommends to the Bureau of Prisons that the defendant be designated to serve his term of imprisonment at the following facilities in this order of preference: 1) FCI Miami Satellite Camp; 2) FCI Coleman; and 3) FPC Pensacola, FL.

SUPERVISED RELEASE

The defendant will be on supervised release for a term of three years on each of Counts 1-8 and 10-13, and five years on each of Counts 9, and 14-18, all terms to run concurrently, subject to the mandatory and standard conditions of supervised release set forth below. In addition, the following special conditions are imposed:

1. The defendant will pay restitution at a rate of \$500 per month. Monthly payments will be sent to the Clerk, U.S. District Court, 141 Church Street, New Haven, CT 06510. The monthly payment schedule may be adjusted based on the defendant's ability to pay as determined by the Probation Office and approved by the Court. The defendant will pay restitution in accordance with a restitution order that will be entered in this case at a later date.
2. The defendant will not incur credit card charges of more than \$250, open additional lines of credit or incur other indebtedness without the prior permission of the Probation Office.
3. The defendant will provide the Probation Office with any requested financial information.
4. As directed by the Probation Office, the defendant will notify third parties of risks that may be occasioned by his criminal record or personal history and characteristics, and will permit the Probation Office to make such notifications and to confirm the defendant's compliance with this notification requirement.
5. The defendant will participate in a program of mental health evaluation, counseling and treatment under the direction of the Probation Office. The defendant will pay all or part of the costs associated with this treatment based on his ability to pay in an amount to be determined by the Probation Office.
6. The defendant will perform 120 hours of community service under the direction of the Probation Office.
5. The defendant will not possess a firearm or other dangerous weapon.
6. The defendant will avoid all contact with the victims in this case, excluding members of his immediate family, without prior permission of the Probation Office.

MONETARY PENALTIES

The defendant will pay a special assessment of \$100 on each of Counts 1-18 for a total of \$1,800.

RESTITUTION

The defendant will pay restitution in accordance with the restitution order that will be entered in this case.

It is further ordered that the defendant will notify the United States Attorney for this District within 30 days of any change of name, residence or mailing address until the restitution and special assessments imposed by this judgment are paid.

DATE: December 18, 2013
Date of Imposition of Sentence

Ja/ Robert N. Chatigny, USDJ

Robert N. Chatigny, United States District Judge
Date: December 20, 2013

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

Joseph P. Faughnan
United States Marshal

By _____
Deputy Marshal

**CERTIFIED AS A TRUE COPY
ON THIS DATE _____
Roberta D. Tabora, Clerk
BY: _____
Deputy Clerk**

CONDITIONS OF SUPERVISED RELEASE

In addition to the Standard Conditions listed below, the following indicated (■) Mandatory Conditions are imposed:

MANDATORY CONDITIONS

- (1) The defendant shall not commit another federal, state or local offense;
- (2) The defendant shall not unlawfully possess a controlled substance;
- (3) The defendant who is convicted for a domestic violence crime as defined in 18 U.S.C. section 3561(b) for the first time shall attend a public, private, or private non-profit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is available within a 50-mile radius of the legal residence of the defendant;
- (4) The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter for use of a controlled substance;
- (5) If a fine is imposed and has not been paid upon release to supervised release, the defendant shall adhere to an installment schedule to pay that fine;
- (6) The defendant shall (A) make restitution in accordance with 18 U.S.C. sections 2248, 2259, 2264, 2327, 3663, 3663A, and 3664; and (B) pay the assessment imposed in accordance with 18 U.S.C. section 3013;
- (7) The defendant shall cooperate in the collection of a DNA sample from the defendant.

While on supervised release, the defendant shall also comply with all of the following Standard Conditions:

STANDARD CONDITIONS

1. The defendant shall not leave the judicial district or other specified geographic area without the permission of the court or probation officer;
2. The defendant shall report to the probation officer in a 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 the defendant's dependents and meet other family responsibilities (including, but not limited to, complying with the terms of any court order or administrative process pursuant to the law of a state, the District of Columbia, or any other possession or territory of the United States requiring payments by the defendant for the support and maintenance of any child or of a child and the parent with whom the child is living);
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 of residence or employment; or if such notification is not possible, then within five days after such change;
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 substance, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered, or other places specified by the court;
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 the defendant at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by 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. The defendant shall pay the special assessment imposed or adhere to a court-ordered installment schedule for the payment of the special assessment;
14. The defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay any unpaid amount of restitution, fines, or special assessments.

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 U.S. Bureau of Prisons. Upon a finding of a violation of supervised release, I understand that the court may (1) revoke supervision and impose a term of imprisonment, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT -4 P 340

Grand Jury N-09-1

UNITED STATES OF AMERICA

v.

ROBERT RIVERNIDER, ROBERT PONTE, and LORETTA SENECA

CRIMINAL NO.

VIOLATIONS:

- 18 U.S.C. § 1349 (Conspiracy)
- 18 U.S.C. §§ 1343 & 2 (Wire Fraud)
- 26 U.S.C. § 2701 (Evasion of Payment)
- 26 U.S.C. § 2701 (Evasion of Assessment)

3:10CR222 (EBB)

INDICTMENT

The Grand Jury charges:

BACKGROUND

The Defendants

1. At all times relevant to this Indictment, defendant ROBERT RIVERNIDER (hereinafter RIVERNIDER) resided and worked in the West Palm Beach area of Florida. RIVERNIDER had training as a mortgage broker and in the debt consolidation business. Beginning in or about 2005, RIVERNIDER worked for a company ("the Company") that, through Internet-based services and otherwise, provided advice to those seeking to consolidate and repay debts.

2. During the times relevant to this Indictment, defendant ROBERT PONTE (hereinafter PONTE) first resided and worked in Dobbs Ferry, New York, then in New Fairfield, Connecticut, and then Stonington, Connecticut. In or about 2005, RIVERNIDER met PONTE and recruited him to work in the New England region for the Company. RIVERNIDER and PONTE, in part while still working for the Company, undertook the conspiracies and schemes

identified below in this Indictment.

3. At all times relevant to this Indictment, defendant LORETTA SENECA (hereinafter SENECA), a mortgage broker and the older sister of RIVERNIDER, worked with RIVERNIDER, PONTE and others to gather information and process most of the real estate transactions that form the basis for the conspiracy and scheme to defraud alleged in Counts Nine through Eighteen. During all times relevant to this Indictment, SENECA resided in the West Palm Beach and Boca Raton areas of Florida, and, as part of the conspiracy and scheme to defraud alleged in Counts Nine through Eighteen, purchased one or more properties in Florida and/or Tennessee, signing a loan application and HUD statement that misrepresented, among other things, the true purchase price of the property, her monthly income, the occupancy status of the property, and the earnest money payments.

Entities/Alter Egos Associated with RIVERNIDER and PONTE

4. In or about June 2006, RIVERNIDER established Cut Above Ventures LLC ("Cut Above Ventures"), a New Mexico limited liability company with its principal place of business in Florida. RIVERNIDER solely owned this company and was its president. Cut Above Ventures held at least three checking accounts at Bank of America, the statements of which were sent to RIVERNIDER at the West Palm Beach residence of his younger sister. RIVERNIDER had sole signing authority for the accounts. PONTE and RIVERNIDER funneled through these accounts most of the investor monies that are the subject of the conspiracies and schemes set forth in this Indictment.

5. Beginning in or about 2005, PONTE started doing business in the name of The Hudson Group. He established a website in this name to market a debt reduction program called

“No More Bills.”

6. In or about October 2006, PONTE established Falling Rock LLC (“Falling Rock”), a New Mexico limited liability company with its principal place of business in Connecticut. The company had no employees and no physical office location, and did not file tax returns or pay taxes. In or about October 2006, PONTE opened a non-interest bearing checking account for Falling Rock at Bank of America. PONTE received monthly bank statements for the account at his Connecticut address. PONTE used this account to receive payments from the Company and Cut Above Ventures, and the account was instrumental to PONTE engaging in tax evasion as outlined below in Counts Nineteen and Twenty.

The Victim Investors and Victim Borrowers

7. As described in greater detail below in Counts One through Eight, RIVERNIDER and PONTE conspired to defraud and engaged in a scheme to defraud investors, hereinafter referred to as “Victim Investors,” into giving money to PONTE and RIVERNIDER for purported debt reduction plans.

8. As described in greater detail below in Counts Nine through Eighteen, RIVERNIDER, PONTE, SENECA and others conspired to defraud and engaged in a scheme to defraud a number of individuals into purchasing real estate investment properties based on material misrepresentations, concealed facts, and material omissions. Those individuals, hereinafter referred to as the “Victim Borrowers,” included a large number of the Victim Investors.

The Victim Lenders

9. As described in greater detail below in Counts Nine through Eighteen, RIVERNIDER, PONTE, SENECA and others conspired to defraud and engaged in a scheme to defraud various mortgage lenders, collectively referred to as the "Victim Lenders," into loaning monies to the Victim Borrowers based on a series of materially false and fraudulent representations. Those Victim Lenders included, among others: 1) SunTrust Mortgage Inc. with offices in Richmond, Virginia, among other locations, and 2) Wells Fargo Bank, NA, with offices in Miami and Stuart, Florida, among other locations.

10. At all times relevant to this Indictment, Wells Fargo Bank, NA, was a financial institution with deposits insured by the Federal Deposit Insurance Corporation (FDIC).

COUNT ONE -- CONSPIRACY
18 U.S.C. § 1349

The Conspiracy to Defraud Victim Investors

11. The allegations contained in Paragraphs 1, 2, 4-7 of this Indictment are realleged and incorporated as though fully set forth herein.

12. Beginning in or about June 2005 and continuing to in or about April 2008, the exact dates being unknown to the Grand Jury, in the District of Connecticut and elsewhere, defendants RIVERNIDER and PONTE did unlawfully, knowingly and intentionally conspire, combine, confederate and agree with each other and others known and unknown to the Grand Jury to commit offenses against the United States, namely, to devise and intend to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and, for the purpose of executing and

attempting to execute the scheme and artifice did transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, writings, signs, signals, pictures and sounds, in violation of Title 18, United States Code, Section 1343.

Purpose of the Conspiracy

13. The purpose of the conspiracy was for RIVERNIDER and PONTE to enrich themselves by defrauding the Victim Investors of monies based on misrepresentations that the monies would be invested in legitimate, high-return investments.

Manner and Means of the Conspiracy

14. The manner and means by which the defendants and their co-conspirators sought to accomplish the objects and purpose of the conspiracy included, among others, those set forth in ¶¶ 15-20.

15. It was part of the conspiracy that beginning in 2005, RIVERNIDER and PONTE used the Internet and other means to market a debt payment program typically called "No More Bills" through The Hudson Group. With the "No More Bills" program, RIVERNIDER and PONTE sought Victim Investors to invest monies with them, monies which typically the Victim Investors would raise through home equity lines of credit or monies borrowed from 401K plans.

16. It was part of the conspiracy that RIVERNIDER and PONTE materially misrepresented and caused to be misrepresented, among other things:

- a. That the Victim Investors would receive a substantial investment return, typically a monthly repayment on the invested monies of approximately seven to ten percent of their initial investment.
- b. That the returns would continue for a period substantially longer than needed to recoup the initial investment and result in a return substantially greater than the initial investment.

- c. That the Victim Investors' existing debts and home equity lines of credit, if taken out to fund the investment, would be repaid in full from investment returns.
- d. That the Victim Investors' monies were being invested offshore in legitimate high- return investments, including investments in foreign currency exchanges, hedge funds, or other high-yield ventures.

17. It was part of the conspiracy that PONTE would often explain that he was working with a business partner, RIVERNIDER, who had specialized knowledge in investments. PONTE frequently explained that he and RIVERNIDER were pooling investor funds to allow them to invest like the large investors in the market.

18. It was part of the conspiracy that, in truth and in fact, as RIVERNIDER and PONTE well knew, the representations made to the Victim Investors were materially false and misleading. RIVERNIDER and PONTE knew that the invested monies could not and would not earn the returns advertised, that the returns would not pay out significantly more than the investment, that the monies invested by the later Victim Investors would not be repaid in full, and that the invested monies were not being invested as represented, including not being invested in foreign currency exchanges and hedge funds. Instead, the monies were used to pay, among other things, the preexisting debts of other investors and the living expenses of the extended family of RIVERNIDER and PONTE.

19. It was part of the conspiracy that PONTE, from his home/office in Connecticut, would routinely talk and correspond by email with the Victim Investors, his assistant in New York and his coconspirator RIVERNIDER in Florida. Upon receipt of information in Connecticut from the Victim Investors, PONTE would forward the relevant applications and other financial information to RIVERNIDER in Florida. RIVERNIDER would review and

approve the purported investment plans, including the advertised returns.

20. It was part of the conspiracy that, if the Victim Investors remained interested in investing in the purported investment plan, RIVERNIDER and PONTE would instruct them or cause for them to be instructed to wire monies for investment to one of the bank accounts held in the name of Cut Above Ventures. RIVERNIDER would then direct the use of the monies either through wiring instructions or by writing checks on the account.

Overt Acts

21. In furtherance of the conspiracy, and to accomplish its purposes and objects, the defendants RIVERNIDER, PONTE and others known and unknown to the Grand Jury committed and caused others to commit at least one of the following overt acts, among others, in the District of Connecticut and elsewhere:

- a. On or about September 13, 2006, RIVERNIDER emailed PONTE with the terms of the investment plan for the Victim Investor Michael M. for an investment amount of \$250,000.
- b. On or about May 14, 2007, PONTE emailed RIVERNIDER asking whether RIVERNIDER had a chance to finish the purported investment plan for the Victim Investor Richard B.
- c. Between July and August 2007, PONTE talked by telephone with the Victim Investor Maria M. on multiple occasions convincing her to invest with PONTE and RIVERNIDER.
- d. On or about July 20, 2007, PONTE talked by telephone with the Victim Investor Robben W. about the investment plan.
- e. On or about Labor Day Weekend, 2007, PONTE met with the Victim Investor Joel B. to discuss investing with PONTE and RIVERNIDER.
- f. In or about April 2007, PONTE talked by telephone with the Victim Investor Scott M. about the investment plan.

- g. On or about September 5, 2007, responding to an email from PONTE regarding the interest of the Victim Investor Louis C. in investing with PONTE and RIVERNIDER, RIVERNIDER emailed instructions to sell the plan to the investor and have Louis C. send in money.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO through EIGHT - Wire Fraud
18 U.S.C. §§ 1343 & 2

The Scheme to Defraud the Victim Investors

22. The allegations contained in Paragraphs 1, 2, 4-7, and 15-20 of this Indictment are realleged and incorporated as though fully set forth herein.

23. From in or about June 2005 through in or about April 2008, in the District of Connecticut and elsewhere, defendants RIVERNIDER and PONTE knowingly, willfully and with intent to defraud devised and intended to devise a scheme and artifice to defraud the Victim Investors and to obtain money and property from these investors by means of materially false and fraudulent pretenses, representations and promises, which scheme and artifice is in substance set forth in ¶¶ 15-20 above.

24. As a result of the scheme, PONTE and RIVERNIDER exposed the Victim Investors to a risk of loss, and the Victim Investors suffered significant losses.

The Execution of the Scheme and Artifice to Defraud

25. On or about the dates listed below, in the District of Connecticut and elsewhere, having devised and intended to devise a scheme and artifice to defraud the Victim Investors, and for obtaining money and property from the Victim Investors by means of materially false and fraudulent pretenses, representations and promises as set forth in ¶¶ 15-20 above, for the purpose of executing such aforementioned scheme and artifice, RIVERNIDER and PONTE transmitted

and caused to be transmitted by means of a wire and radio communication in interstate commerce, the following writings, signs, signals, pictures and sounds, with each wiring constituting a separate count of this Indictment as enumerated below:

Count	Wiring Date (on or about)	Origin of Wiring	Destination of Wiring	Description	Victim Investor
2	11/27/2006	CT	NJ	Email between PONTE and Victim Investor Michael M. with wiring instructions	Michael M.
3	6/1/2007	CT	CA	Phone call between PONTE and Victim Investor Richard B.	Richard B.
4	8/2/07	NY	CT, FL	Email among PONTE's assistant, PONTE and RIVERNIDER regarding Victim Investor Maria M.'s potential investment	Maria M.
5	9/8/07	CT	CA, NY	Email from PONTE to PONTE's assistant and Victim Investor Robben W. with wiring instructions for potential investment	Robben W.
6	9/07/2007	CT	AZ	Phone call between PONTE and Victim Investor Joel B., following email communications between them	Joel B.
7	9/12/2007	CT	NM	Wire transfer of funds from Victim Investor Scott M. to Cut Above Ventures	Scott M.
8	9/14/2007	CT	NM	Wire transfer of funds from Victim Investor Louis C. to Cut Above Ventures	Louis C.

All in violation of Title 18, United States Code, Sections 1343 & 2.

COUNT NINE - CONSPIRACY

18 U.S.C. § 1349

26. The allegations contained in Paragraphs 1-10 of this Indictment are realleged and incorporated as though fully set forth herein.

The Conspiracy to Defraud the Victim Lenders and Victim Borrowers

27. Beginning in November 2006 and continuing to in or about December 2007, the exact dates being unknown to the Grand Jury, in the District of Connecticut and elsewhere, defendants RIVERNIDER, PONTE, and SENECA did unlawfully, knowingly and intentionally conspire, combine, confederate and agree with each other and others, known and unknown to the Grand Jury, to commit offenses against the United States, namely, to devise and intend to devise a scheme and artifice to defraud, and to obtain money and property from the Victim Lenders, including affecting a financial institution, and the Victim Borrowers by means of materially false and fraudulent pretenses, representations and promises, and, for the purpose of executing and attempting to execute the scheme and artifice, did transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, writings, signs, signals, pictures and sounds, in violation of Title 18, United States Code, Section 1343.

Purpose of the Conspiracy

28. The purpose of the conspiracy was for RIVERNIDER, PONTE, SENECA and others known and unknown to the Grand Jury to enrich themselves by defrauding the Victim Lenders to extend loans to finance the purchase of properties based on misinformation and by defrauding the Victim Borrowers into seeking such lending.

Manner and Means of the Conspiracy

29. The manner and means by which the defendants and their co-conspirators sought to accomplish the objects and purpose of the conspiracy included, among others, those set forth in ¶¶ 30-35.

30. It was part of the conspiracy that RIVERNIDER, PONTE, and others would and did recruit the Victim Borrowers to take out financing to purchase various investment properties, primarily in Tennessee and Florida, with financing from the Victim Lenders. RIVERNIDER and PONTE typically represented to the Victim Borrowers that these properties would be passive investments and that PONTE and RIVERNIDER would be responsible for the details of the purchase, rental, maintenance and payment of the mortgages on the properties.

31. It was part of the conspiracy that RIVERNIDER, PONTE, and others made material misrepresentations and material omissions and concealed material facts from the Victim Borrowers, including representing that RIVERNIDER and PONTE would arrange for the purchase of the properties by the Victim Borrowers at markedly discounted values. In fact, RIVERNIDER and PONTE frequently marked up the purchase price of the properties to the Victim Borrowers often by as much as twenty-five percent without disclosing the increase in the purchase price.

32. It was also part of the conspiracy that RIVERNIDER, PONTE and others represented that the investment properties would return to the Victim Borrowers sufficient monies to cover the carrying costs as well as reduce the Victim Borrowers' other debt burden, when RIVERNIDER, PONTE, and others knew that the returns would not produce such returns.

33. It was part of the conspiracy that RIVERNIDER, PONTE, and others falsified certain of the Victim Borrowers' material financial information in order to obtain financing from the Victim Lenders to purchase the properties and either did not inform the Victim Borrowers of the misrepresentations or provided explanations for the figures that were inconsistent with what the lenders would allow.

34. It was part of the conspiracy that RIVERNIDER, PONTE, SENECA and others caused to be represented in loan applications and other documents provided to the Victim Lenders a number of material misrepresentations, including, among others: (1) the true arms-length purchase price of the property (which was routinely markedly overstated); (2) the income earned by the respective Victim Borrower (which was routinely markedly overstated); (3) the assets of the Victim Borrower (which were often overstated); (4) the liabilities of the Victim Borrower (which were often understated); (5) the true earnest payments coming from the Victim Borrower (which were routinely fronted by RIVERNIDER, PONTE and SENECA); and (6) the true intended occupancy status of the properties (which, for example, were often represented to be second homes, when the intent was for them to be rental properties).

35. It was part of the conspiracy that SENECA, a trained mortgage broker, was actively involved in the real estate transactions put together with RIVERNIDER and PONTE, including organizing and gathering many of the materials needed by the Victim Lenders, gathering certain information from the Victim Borrowers, providing certain comparables based on properties brokered by RIVERNIDER to be used for purportedly independent appraisals, and a range of other background tasks necessary for the relevant loans to close.

Overt Acts

36. In furtherance of the conspiracy, and to accomplish its purposes and objects, RIVERNIDER, PONTE, SENECA and others, known and unknown to the Grand Jury, committed and caused others to commit at least one of the following overt acts, among others, in the District of Connecticut and elsewhere:

- a. On or about May 8, 2007, PONTE signed as a witness on closing documents involving the property purchased by the Victim Borrower Donna M.
- b. On or about March 8, 2007, PONTE emailed the Victim Borrower Robert B., forwarding an email from RIVERNIDER regarding the contract for a Tennessee property.
- c. On or about March 8, 2007, PONTE emailed to the wife of the Victim Borrower Curtis W., forwarding a contract for a Tennessee property.
- d. On or about March 23, 2007, PONTE discussed by telephone with the Victim Borrower Robert C. investing in cabins or condos.
- e. On or about May 16, 2007, RIVERNIDER emailed PONTE about a real estate deal for the Victim Borrower Lisa G.
- f. On or about May 24, 2007, PONTE emailed the Victim Borrower Alfred V. real estate investment options.
- g. On or about July 2, 2007, PONTE emailed RIVERNIDER with information on settlement for the Victim Borrower Bruce P.
- h. On or about July 13, 2007, PONTE's assistant emailed PONTE the signed contract from the Victim Borrower Michael Mc. and also forwarded the contract by email to RIVERNIDER.
- i. On or about November 2, 2007, PONTE emailed the Victim Borrower Joel B., seeking him to fax asset information to a mortgage consultant for a real estate purchase.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TEN through EIGHTEEN - Wire Fraud
18 U.S.C. §§ 1343 & 2

Scheme to Defraud the Victim Lenders and the Victim Borrowers

37. The allegations contained in Paragraphs 1-10, and 30-35 of this Indictment are realleged and incorporated as though fully set forth herein.

38. From in or about November 2006 through in or about December 2007, in the District of Connecticut and elsewhere, defendants RIVERNIDER, PONTE, SENECA and others known and unknown to the Grand Jury knowingly, willfully and with intent to defraud devised and intended to devise a scheme and artifice to defraud the Victim Lenders, including affecting a financial institution, and the Victim Borrowers to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, which scheme and artifice is in substance set forth in ¶¶ 30-35.

39. The Victim Lenders extended a number of loans to the Victim Borrowers to purchase properties primarily in Tennessee and Florida. As a result of the scheme, the Victim Lenders and the Victim Borrowers were subjected to a risk of loss and suffered significant losses.

The Execution of the Scheme and Artifice to Defraud

40. On or about the dates listed below, in the District of Connecticut and elsewhere, having devised and intended to devise a scheme and artifice to defraud the Victim Borrowers and the Victim Lenders, and for obtaining money and property from the Victim Borrowers and the Victim Lenders by means of materially false and fraudulent pretenses, representations and promises as set forth in ¶¶ 30-35, for the purpose of executing such aforementioned scheme and artifice, RIVERNIDER, PONTE and SENECA transmitted and caused to be transmitted by

means of a wire and radio communication in interstate commerce, the following writings, signs, signals, pictures and sounds, with each wiring constituting a separate Count of this Indictment as enumerated below:

Count	Date of Wiring (on or about)	Origin of Wiring	Destination of Wiring	Description	Victim Lender (approx. closing date)	Victim Borrower
10	3/19/2007	FL	CT	Email from RIVERNIDER to PONTE regarding information for the loan for Victim Borrower Donna M.	Suntrust (5/8/07)	Donna M.
11	3/08/2007	CT	MI	Email from PONTE to Victim Borrower Robert B. forwarding email from RIVERNIDER for contract for Tennessee property	Suntrust (6/21/07)	Robert B.
12	3/8/07	CT	NY	Email from PONTE forwarding Victim Borrower Curtis W.'s wife a contract for a Tennessee property, to which she responds by email the same day	Suntrust (6/5/07)	Curtis W.
13	3/23/07	AZ	CT	Email from Victim Borrower Robert C. to PONTE regarding cabin/condos, following up a phone conversation	Suntrust (6/7/07)	Robert C.

Count	Date of Wiring (on or about)	Origin of Wiring	Destination of Wiring	Description	Victim Lender (approx. closing date)	Victim Borrower
14	5/16/2007	FL	CT	Email from RIVERNIDER to PONTE regarding a real estate deal with Victim Borrower Lisa G.	Wells Fargo (6/29/07)	Lisa G.
15	5/24/2007	CT	CO	Email from PONTE to Victim Borrower Alfred V. with investment options regarding condos	Wells Fargo (8/6/07)	Alfred V.
16	7/2/2007	CA	CT	Email from Victim Borrower Bruce P. to PONTE	Wells Fargo (6/29/07)	Bruce P.
17	7/13/07	NY	CT, FL	Email from PONTE's assistant to PONTE with the signed contract from Victim Borrower Mike Mc.; email also sent to RIVERNIDER	Wells Fargo (8/7/07)	Mike Mc.
18	11/02/2007	CT	AZ	Email from PONTE to Victim Borrower Joel B. seeking asset information for real estate deal	Wells Fargo (11/30/07)	Joel B.

All in violation of Title 18, United States Code, Sections 1343 & 2.

COUNT NINETEEN -- Tax Evasion (of Payment)

26 U.S.C. § 7201

Background

41. The allegations contained in Paragraphs 1-10, 15-20, 30-35 of this Indictment are realleged and incorporated as though fully set forth herein.

42. During the 2001 calendar year, defendant PONTE earned taxable income by: the liquidation of two individual retirement accounts in his name held by the Vanguard Group, totaling \$128,241; form W-2 wage income from his employment by Cognet Corp., totaling \$57,635; and a form 1099-R pension distribution, totaling \$13,935, relating to his withdrawal from the savings plan established by his former employer, Siemens Corporation.

43. In the Spring of 2002, PONTE contacted a Certified Public Accountant he had used previously to prepare his federal personal income tax return for 2001. The accountant informed PONTE that he owed approximately \$62,980 in taxes for the 2001 tax year. Despite credit for prior withholdings made by Cognet Corp. and a partial payment made by PONTE to seek an extension for the filing of the return until or about August 2002, PONTE remained with a significant outstanding tax liability. Thereafter the Internal Revenue Service (IRS) sent notices to PONTE of his continuing tax obligation, including that, in December 2003, the IRS notified him that the deficiency had grown to approximately \$76,632, including penalties and interest. PONTE periodically continued to receive notices of deficiency relating to his 2001 deficiency, including notices in 2004, 2008, and 2009.

Evasion of Payment

44. In or about November 2003 until in or about February 2010, in the District of Connecticut and elsewhere, PONTE did willfully attempt to evade and defeat the payment of a large part of the income tax, penalties and interest due and owing by him to the United States of America for the calendar year 2001, which by February 2010 totaled approximately \$99,086, by one or more affirmative acts of evasion, including the following acts while living and working in Connecticut:

- a. having in October 2006 opened a non-interest bearing checking account in the name of Falling Rock LLC, rather than in his own name, PONTE caused to be deposited income earned from the illegal ventures identified above in Counts One through Eighteen, including \$5000 on July 9, 2007; \$18,700 on August 17, 2007; \$49,750 on Sept. 26, 2007; and \$5000 on Nov. 7, 2007;
- b. between March 2007 and July 2008, PONTE caused to be made from the Falling Rock LLC account one or more payments for leasing or maintaining a Mercedes stationwagon that was used primarily by him, but leased in the name of a former girlfriend, those payments made on or about the following dates March 9, April 17, June 8, June 26, July 5, August 8, August 30, October 4, November 20, November 30, December 21, December 28, 2007, and February 29, March 28, May 2, May 27, May 30, June 2, June 30, July 2, 2008, all totaling approximately \$15,031;

- c. between January 2007 and February 2009, PONTE caused to be made one or more payments toward a residence where he resided alone or with a girlfriend that was owned in the name of another person, including payments made on or about:
- i. April 23, Sept. 17, October 1, October 10, and October 15, 2007, and March 25, May 28, June 2, and June 6, 2008, and February 9, 2009 for property tax, sewage or water usage, totaling \$5,288;
 - ii. January 4, May 2, June 4, and December 20, 2007 and January 7, February 20, 2008 for heating oil, totaling \$5670;
 - iii. June 14, July 9, July 12, August 13, October 10, October 16, October 22, November 6, and December 3, 2007 and March 18, June 3, 2008 for landscaping expenses, totaling \$12,561;
 - iv. September 5, 2007 for partial construction expenses for a pool, totaling \$7,600;
 - v. September 24, 2007 and January 8, 2008 for a privacy fence, totaling \$3,040.

All in violation of Title 26, United States Code, Section 7201.

COUNT TWENTY – Tax Evasion (of Assessment)

26 U.S.C. § 7201

45. The allegations contained in Paragraphs 1-10, 15-20, 30-35, 44(a)-(c) of this Indictment are realleged as though fully set forth herein.

46. During the calendar year 2007, defendant PONTE, a resident of Stonington, Connecticut, had received taxable income in the sum of approximately \$242,364, which reflected monies obtained from Cut Above Ventures, commissions from No More Bills and two invoices for computer services rendered the Company. Upon that taxable income, there was owing to the United States of America an income tax of approximately \$58,701. Well knowing and believing

the foregoing facts, PONTE, on or about April 15, 2008, in the District of Connecticut, did willfully attempt to evade and defeat the income tax due and owing by him to the United States of America for the calendar year by failing to make an income tax return on or before April 15, 2008, as required by law, to any proper officer of the Internal Revenue Service, by failing to pay to the Internal Revenue Service the income tax, and by one or more of the affirmative acts of evasion taken during the 2007 tax year and continuing on or after April 15, 2008, as identified above at ¶ 44(a)-(c).

All in violation of Title 26, United States Code, Section 7201.

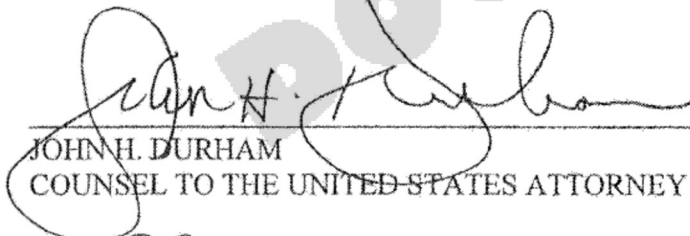
A TRUE BILL

/s/

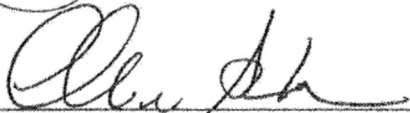
FOREPERSON



DAVID B. FEIN
UNITED STATES ATTORNEY



JOHN H. DURHAM
COUNSEL TO THE UNITED STATES ATTORNEY



CHRISTOPHER W. SCHMEISSER
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :
 :
v. : CASE NO. 3:10cr222(RNC)
 :
 :
ROBERT RIVERNIDER, JR. and :
ROBERT PONTE :

RESTITUTION ORDER

Under 18 U.S.C. §§ 3663A and 3664, the defendants, Robert Rivernider, Jr. and Robert Ponte, are required to pay restitution for the losses caused by the fraudulent schemes for which they have been convicted. Accordingly, the Court hereby orders that restitution be paid by the defendants, jointly and severally with each other and Loretta Seneca, in the total amount of \$22,140,765.99, as set forth below:

Name	Amount
NMB Victims	
Adelaida Corsiles	\$28,519.64
Estate of Al Vigil	\$20,179
Brian Grubb	\$7,000
Brook Strebe	\$15,829
Dan Fallow	\$28,000
David Profetta	\$38,000
Dawn Rees	\$9,000
Lou Carlson	\$34,500
Maria Martins	\$33,338
Meryl Leppard	\$70,710
Vivian & Richard Russell	\$74,713.28
Virginia Coester	\$50,660
Teresa Malachowski (Krolak)	\$51,500
Susan Hallinan	\$12,976
Scott Meyer (Meyer's Motors)	\$42,000
Sam Glass	\$10,735
Rob Porter	\$24,570.70
Robben & Mark West	\$87,300

Name	Amount
Michelle Rementaria	\$17,750
Norman Morrison	\$39,500
Paul Wireman	\$26,300
Richard Brooks	\$60,110
Richard M. Myers	\$40,000
Rob & Teresa Weber	\$14,135
Subtotal: \$837,325.62	
Lender Victims	
Aurora Commercial Corp, Attn: Jessica Farrera 10350 Park Meadows, Suite 200 Littleton, CO 80124	\$90,515.27
Bank of America	\$1,172,239.85
Bayview Loan Services, c/o Nicole Alvarez 4425 Ponce De Leon Blvd Coral Gables, FL 33146	\$374,807.66
Deutsche Bank Trust Company As Trustee For RALI 2006QA7, c/o Homecomings Financial, LLC One Meridian Crossing, Suite 100 Minneapolis, MN 55423	\$309,000
Fannie Mae Attn: Accounting 14221 Dallas Parkway, Suite 1000 Dallas, TX 75254	\$1,957,806.68

Name	Amount
Federal Home Loan Mortgage Corporation (Freddie Mac) Attn: Dominic Ducanes 8200 Jones Branch Drive Mail Stop 202 McLean, VA 22102	\$1,820,290
HSBC Bank USA, Association, as Trustee for WFLAT 2007-PA06 (Wells Fargo) 3476 Stateview Boulevard, MAC #X7801-013 Fort Mill, SC 29715	\$496,587.30
INDYMAC Bank FSB 888 East Walnut Street Pasadena, CA 91101	\$250,840
INDYMAC Bank, FSB 2900 Eseranza Crossing Austin, TX 78758	\$181,192
JP Morgan Chase Bank, NA, c/o Linda S. Lewis 1 Chase Manhattan Plaza 26th Floor New York, NY 10005	\$569,708.90
Kondaur Capital Corporation, Attn: Cindy Lan 333 South Anita Drive, Suite 400 Orange, CA 92868	\$141,190.50
Nationstar Mortgage LLC, Master Servicing IR Attention Teresa Howell 10350 Park Meadows Suite 300 Littleton, CO 80124	\$528,768.95
Nationstar Mortgage LLC, Master Servicing -- MS Attention Teresa Howell 10350 Park Meadows Suite 300 Littleton, CO 80124	\$3,734,604.39
Selene Finance 9990 Richmond Avenue Suite 400 South Houston, TX 77042-4546	\$285,823.50

Name	Amount
Specialized Loan Servicing, LLC 8742 Lucent Boulevard Highlands Ranch, CO 80129	\$236,012.24
Suntrust Mortgage, Inc. 1001 Semmes Avenue, 4th Floor Richmond, VA 23224	\$2,948,399.79
The CIT Group/Consumer Finance Inc. c/o Van Ness Law Firm, P.A. Trust Account 1239 E. Newport Center Drive, Suite #110 Deerfield Beach, FL 33442	\$224,358.22
US Bank National Association as Trustee for Lehman Brothers - BNC Mortgage Loan Trust 2007-2, 10790 Rancho Bernardo Road San Diego, CA 92127	\$226,413.47
US Bank National Association As Trustee for Lehman Brothers - Structured Asset Securities Corporation SAAC0 2007-BC3 1661 Worthington Road, #100 West Palm Beach, FL 33409	\$168,739.93
US Bank National Association as Trustee for The Structured Asset Securities Corporation Mortgage Pass - Through Certificates, Series 2006- BC4, c/o American Servicing Company, 3476 Stateview Blvd Fort Mills, SC 29715	\$183,381.74
Wells Fargo, NA 3476 Stateview Blvd Fort Mills, SC 29715	\$4,978,973.83
Wells Fargo, NA, As Trustee for RMAC REMIC Trust, Series 2009-3 c/o Rose Lara 7515 Irvine Center Drive, Irvine, CA 92618	\$217,950

Wells Fargo, NA, As Trustee On Behalf Of The Certificate Holders, Master Asset Backed Securities 2007-NCW Mortgage Pass - Through Certificates; Series 2007-NCW, CA6-920-02-21 2900 N. Madera Road, Simi Valley, CA 93065	\$205,836.15
Subtotal: \$21,303,440.37	
Combined Total	\$22,140,765.99

While on supervised release, defendants Rivernider and Ponte shall each make monthly payments of restitution in the amount of \$500 on the fifteenth day of each calendar month. Each defendant shall make checks payable to the order of "Clerk, U.S. District Court," and checks shall be mailed to: Clerk's Office, U.S. District Court, 450 Main Street, Hartford, CT, 06103.

Each defendant shall write the docket number of the case on each check sent to the Clerk's Office. Each payment will be for the benefit of the victims named above on a basis that is *pro rata* with the amounts of their respective losses. The Clerk's Office shall distribute the monies received to each victim when, in the determination of the Clerk's Office, the monies received are of sufficient size to warrant distribution.

Nothing in this order shall prevent the Bureau of Prisons from implementing restitution payments in accordance with its inmate financial obligations program. As required by 18 U.S.C. § 3664, the Court arrived at the schedule for restitution payments after considering the losses sustained by the victims as a result of the defendants' offenses, the defendants' financial resources, the financial needs and earning ability of the defendants and any dependents, and the defendants' potential earning power.

Each defendant shall make full and complete financial disclosure to the United States Probation Office as instructed by that Office during the period of supervised release.

Each defendant shall notify the Court and the United States Attorney's Office of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution. The Court notes that a victim, the Government or the offender may petition the Court at any time to modify this restitution order, as appropriate, in view of a change in the economic circumstances of the offender.

It is so ordered.

Dated at Hartford, Connecticut on this 25th day of November 2014.

/s/ RNC

Robert N. Chatigny
United States District Judge

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