

UNITED STATES DISTRICT COURT

FOR THE

District of

COLUMBIA

UNITED STATES OF AMERICA

V.

DAIMLER EXPORT AND TRADE FINANCE GmbH

AMENDED JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

FILED

APR 06 2010

Date of Original Judgment: 4/5/2010
(or Date of Last Amended Judgment)

CASE NUMBER: 10cr65

MARTIN WEINSTEIN

Defendant Organization's Attorney

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Reason for Amendment:

- Correction of Sentence on Remand (18 U.S.C. § 3742(f)(1) and (2))
- Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))

- Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)
- Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
- Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT ORGANIZATION:

pleaded guilty to count(s) #1 AND #2 OF THE INFORMATION

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 organizational defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. 371	CONSPIRACY	1/2008	1
15 U.S.C. 78dd-3 and	FOREIGN CORRUPT PRACTICES ACT	1/2008	2
18 U.S.C. 2	FOREIGN CORRUPT PRACTICES ACT	1/2008	2

The defendant organization is sentenced as provided in pages 2 through 9 of this judgment.

The defendant organization has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, 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 organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: _____

4/1/2010

Date of Imposition of Judgment

Defendant Organization's Principal Business Address: _____

Signature of Judge

Richard J. Leon

U.S. District Judge

Name of Judge

Title of Judge

Date

4/5/10

Defendant Organization's Mailing Address: _____

AO 245E (Rev. 12/03) Judgment in a Criminal Case for Organizational Defendants
Sheet 2A — Probation

DEFENDANT ORGANIZATION: DAIMLER EXPORT AND TRADE FINANCE Gm^{Judgment—Page} 2 of 9
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ADDITIONAL PROBATION TERMS

NO PROBATION IMPOSED. DEFENDANT TO BE MONITORED FOR A PERIOD OF 3 YEARS BY A CORPORATE COMPLIANCE MONITOR PURSUANT TO THE TERM OF DAIMLER AG'S DEFERRED PROSECUTION AGREEMENT ENTERED INTO 4/1/2010.

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CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 800.00	\$ 29,120,000.00	\$

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization 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 nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
TOTALS	\$ 0.00	\$ 0.00	

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant organization shall pay interest on restitution or a fine 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 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant organization 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 offenses committed on or after September 13, 1994, but before April 23, 1996.

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ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

The special assessment is due immediately.

The fine shall be paid in one full payment due within ten days of imposition of sentence.

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SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are to be due as follows:

- A Lump sum payment of \$ 800.00 due immediately, balance due
- not later than _____, or
- in accordance with C or D below; or
- B Payment to begin immediately (may be combined with C or D 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 Special instructions regarding the payment of criminal monetary penalties:

THE FINE SHALL BE PAID IN ONE FULL PAYMENT WITHIN TEN DAYS OF THE IMPOSITION OF SENTENCE.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall 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 numbers), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

- The defendant organization shall pay the cost of prosecution.
- The defendant organization shall pay the following court cost(s):
- The defendant organization shall forfeit the defendant organization'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.