

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2017 NOV 16 PM 1:39

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

v.

Case Number: 1:13-CR-00346-SS(1)

USM Number: 18533-111

MICHAEL BAKER

True Name: Michael Alan Baker

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, MICHAEL BAKER, was represented by Tyler G. Newby, Dennis P. Riordan, and Christie Williams.

The defendant was found guilty as to Counts 1s (a), 1s (b), 2s, 3s, 4s, 5s, 6s, 7s, 9s, 11s, 12s, 14s, and 15s of the Superseding Indictment on August 18, 2017. Accordingly, the defendant is adjudged guilty of such Count(s), involving the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 1343 and 1349	Conspiracy to Commit Wire Fraud	02/28/2009	Ct. 1s (a)
18 U.S.C. §§ 1348 and 1349	Conspiracy to Commit Wire Fraud	02/28/2009	Ct. 1s (b)
18 U.S.C. § 1343 and 18 U.S.C § 2	Wire Fraud, Aided and Abetted	02/28/2009	Ct. 2s
18 U.S.C. § 1343 and 18 U.S.C § 2	Wire Fraud, Aided and Abetted	02/28/2009	Ct. 3s
18 U.S.C. § 1343 and 18 U.S.C § 2	Wire Fraud, Aided and Abetted	02/28/2009	Ct. 4s
18 U.S.C. § 1343 and 18 U.S.C § 2	Wire Fraud, Aided and Abetted	02/28/2009	Ct. 5s
18 U.S.C. §§ 1343 and 18 U.S.C § 2	Wire Fraud, Aided and Abetted	02/28/2009	Ct. 6s
18 U.S.C. § 1343 and 18 U.S.C § 2	Wire Fraud, Aided and Abetted	02/28/2009	Ct. 7s
18 U.S.C. § 1343 and 18 U.S.C § 2	Wire Fraud, Aided and Abetted	02/28/2009	Ct. 9s

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18 U.S.C. § 1348 and 18 U.S.C § 2	Securities Fraud, Aided and Abetted	02/28/2009	Ct. 11s
18 U.S.C. § 1348 and 18 U.S.C § 2	Securities Fraud, Aided and Abetted	02/28/2009	Ct. 12s
18 U.S.C. § 1001	False Statements	11/18/2009	Ct. 14s
18 U.S.C. § 1001	False Statements	11/18/2009	Ct. 15s

As pronounced on November 3, 2017, the defendant is sentenced as provided in pages 2 through 8 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the Court and United States Attorney of material changes in economic circumstances.

Signed this 16th day of November, 2017.



SAM SPARKS

United States District Judge

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of two hundred forty (240) months as to counts 1s (a), 1s (b), 2s, 3s, 4s, 5s, 6s, 7s, 9s, 11s, and 12s, to run concurrently; and sixty (60) months as to counts 14s and 15s, to run concurrently, **FOR A TOTAL OF TWO HUNDRED FORTY (240) MONTHS.**

The Court recommends to the Bureau of Prisons that the defendant be placed in a federal facility as close to FCI Bastrop as possible for family visitation reasons.

The defendant shall remain in custody pending service of sentence.

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 a term five (5) years as to Counts 1s (a), 1s (b), 11s, and 12s; three (3) years as to Counts 2s, 3s, 4s, 5s, 6s, 7s, 9s, 14s, and 15s; all to be served concurrently **FOR A TOTAL OF FIVE (5) YEARS.**

While on supervised release, the defendant shall not commit another federal, state, or local crime during the term of supervision, and shall comply with the mandatory and standard conditions adopted by the court on November 28, 2016.

The defendant shall, upon request of the probation office, authorize release of any and all financial information, to include income records, income tax records, and social security records, by execution of a release of financial information form, or by other appropriate means.

The defendant shall maintain a single checking account in his name. The defendant shall deposit into this account all income, monetary gains, or other pecuniary proceeds, and make use of this account for payment of all personal expenses. All other bank accounts must be disclosed to the probation office.

The defendant shall not incur new credit charges or open additional lines of credit without the permission of the probation officer and approval of the Court unless the defendant is in compliance with the installment payment schedule.

The defendant shall not make application for any loan or enter into any credit arrangement without first consulting with the probation office.

The defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.

The defendant shall not directly or indirectly obtain employment positions in which he will be responsible for, or have access to, financial assets for another person, business or organization without permission of the officer or court.

The defendant shall not work in any capacity that involves direct or indirect contact with investors, to include the solicitation of funding or investments, or the sales of interests for any business without permission of the officer or court.

The defendant shall not prepare financial reports that will be presented to investors or regulators for himself or others.

The defendant is prohibited from acting in a fiduciary role during the term of supervision.

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CONDITIONS OF SUPERVISION

Mandatory Conditions:

- [1] The defendant shall not commit another federal, state, or local crime during the term of supervision.
- [2] The defendant shall not unlawfully possess a controlled substance.
- [3] 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 on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court), but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.
- [4] The defendant shall cooperate in the collection of DNA as instructed by the probation officer, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. § 14135a).
- [5] If applicable, the defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et. seq.*) as instructed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which the defendant resides, works, is a student, or was convicted of a qualifying offense.
- [6] If convicted of a domestic violence crime as defined in 18 U.S.C. § 3561(b), the defendant shall participate in an approved program for domestic violence.
- [7] If the judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of the judgment.
- [8] The defendant shall pay the assessment imposed in accordance with 18 U.S.C. § 3013.
- [9] The defendant shall notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines or special assessments.

Standard Conditions:

- [1] The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- [2] After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.
- [3] The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.
- [4] The defendant shall answer truthfully the questions asked by the probation officer.
- [5] The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.

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- [6] The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that are observed in plain view.
- [7] The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment, he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her work (such as the position or job responsibilities), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
- [8] The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- [9] If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.
- [10] The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified, for the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- [11] The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- [12] If the probation officer determines that the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk.
- [13] The defendant shall follow the instructions of the probation officer related to the conditions of supervision.
- [14] If the judgment imposes other criminal monetary penalties, it is a condition of supervision that the defendant pay such penalties in accordance with the Schedule of Payments sheet of the judgment.
- [15] If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall provide the probation officer access to any requested financial information.
- [16] If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with the payment schedule.
- [17] If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally re-enter the United States. If the defendant is released from confinement or not deported, or lawfully re-enters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office.

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CRIMINAL MONETARY PENALTIES/SCHEDULE

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth. Unless the Court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. Criminal Monetary Penalties, except those payments made through Federal Bureau of Prisons' Inmate Financial Responsibility Program shall be paid through the Clerk, United States District Court, 501 West Fifth Street, Suite 1100, Austin, TX 78701. The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

If the defendant is not now able to pay this indebtedness, the defendant shall cooperate fully with the office of the United States Attorney, the Bureau of Prisons and/or the United States Probation Office to make payment in full as soon as possible, including during any period of incarceration. Any unpaid balance at the commencement of a term of probation or supervised release shall be paid on a schedule of monthly installments to be established by the United States Probation office and approved by the Court.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$1,200.00	\$1,000,000.00	\$. 00

SPECIAL ASSESSMENT

It is ordered that the defendant shall pay to the United States a special assessment of \$1,200.00. Payment of this sum shall begin immediately

FINE

The defendant shall pay a fine of \$ 1,000,000.00.

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FORFEITURE

Pursuant to the settlement agreement, the Defendant Michael Baker, and his wife, Mrs. Jan Baker, agree to forfeit any and all interest in the following bank accounts maintained by Mr. Baker and Mrs. Baker at Banque Pictet & Cie in Switzerland, account numbers 1017510.001, 1017511.001 and 1017511.002, in the amount of at least \$12,700,000.00.

Pursuant to the parties' agreement as to the fine, the money on deposit with the court to secure Michael Baker's appearance bond shall be used to satisfy the fine.

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 above. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. §3614.

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.

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.