

FILED

UNITED STATES DISTRICT COURT

APR 27 2023

District of Columbia

UNITED STATES OF AMERICA

V.

AMENDED JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

Clerk, U.S. District and
Criminal Court

British American Tobacco Marketing (Singapore) Private Limited

CASE NUMBER: 23cr118-02 (BAH)

Date of Original Judgment: 4/26/2023
(or Date of Last Amended Judgment)

John Buretta, Evan Norris, and Megan Lew
Defendant Organization's Attorney

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 filed on April 7, 2023
- 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 USC 1344(a) & (2), 1349	Conspiracy to Commit Bank Fraud		1

The defendant organization is sentenced as provided in pages 2 through 7 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.: 98-1433503

4/25/2023
Date of Imposition of Judgment

Defendant Organization's Principal Business Address:

British-American Tobacco Marketing (Singapore) Private Limited
15 Senoko Loop
Singapore 758168

Beryl A. Howell
Signature of Judge

Beryl A. Howell U.S. District Judge
Name of Judge Title of Judge

April 27, 2023
Date

Defendant Organization's Mailing Address:

British-American Tobacco Marketing (Singapore) Private Limited
15 Senoko Loop
Singapore 758168

DEFENDANT ORGANIZATION:
CASE NUMBER: 23cr118-02 (BAH)

Judgment—Page 3 of 7

PROBATION

The defendant organization is hereby sentenced to probation for a term of:

THREE (3) YEARS

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

If this judgment imposes a fine or a restitution obligation, it is be a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions below or on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer at least ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT ORGANIZATION:
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SPECIAL CONDITIONS OF SUPERVISION

BATMS will comply with the applicable mandatory conditions of probation described in 18 U.S.C. 3563(a)(1) and U.S.S.G. 8D1 .3(a)

BATMS shall not commit any felony violation of United States Federal law during the term of the probation;

BATMS shall continue to participate in, enhance, and abide by its compliance program and the compliance program it has adopted as part of this resolution; and

BATMS shall continue to cooperate fully with the government in the manner set forth in the Plea Agreement (para 6).

- * The financial obligations of the Criminal Fines and the Forfeiture are payable on the schedule set out in Attachment A to the Plea Agreement; the Criminal Fines shall be paid to the Clerk for the U.S. District Court for the District of Columbia and the Forfeiture shall be paid to the United States Marshals Service. Within 30 days of any change of address, BATMS shall notify the Clerk of the Court of the change until such time as the financial obligations are paid in full. (Attachment A to the Plea Agreement attached.)

DEFENDANT ORGANIZATION:
CASE NUMBER: 23cr118-02 (BAH)

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

Special Assessment - The defendant is ordered to pay \$800.00 special assessment.

Criminal Penalties and Fines - The defendant is ordered to pay the following criminal penalties and fines: \$122,537,016.00 as to Count 1; \$317,813,722.00 as to Count 2.

Criminal Forfeiture - The defendant is ordered to pay \$189,541,115.00 in criminal forfeiture under IEEPA. (Consent Order of Forfeiture attached.)

DEFENDANT ORGANIZATION:
 CASE NUMBER: 23cr118-02 (BAH)

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	\$ 440,350,738.00	\$ 0.00

- 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.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>	

- 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.

DEFENDANT ORGANIZATION:
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SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are 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 special assessment of \$800.00 and the Criminal Fines in the amount of 440,350,738.00 are due and payable to the Clerk of the Court for the U.S. District Court for the District of Columbia, 333 Constitution Avenue, NW, Washington, DC 20001; the Forfeiture in the amount of \$189,541,115.00 is payable to the United States Marshals Service. The Criminal Fines and Forfeiture are payable on the schedule set out in Attachment A to the Plea Agreement. (Attachment A to the Plea Agreement attached)

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:

British American Tobacco P.L.C. - 23cr118-01
British America Tobacco Marketing (Singapore) Private Limited - 23cr118-02
Total Amount: 629,891,853.00.

- 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:
a money judgment in the amount of \$189,541,115.00. (Consent Order of Forfeiture attached.)

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.

ATTACHMENT A

PAYMENT SCHEDULE

Payable on or before September 30, 2023

Fine	\$ 220,175,369.00
Forfeiture	\$ 94,770,557.50

Payable on or before June 30, 2024

Fine	\$ 220,175,369.00
Forfeiture	\$ 94,770,557.50

Total	\$ 629,891,853.00*
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***Exclusive of interest calculated pursuant to 18 U.S.C. § 3612(f)(2)**

FILED

APR 25 2023

**Clerk, U.S. District and
Bankruptcy Courts**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

v.

BRITISH-AMERICAN TOBACCO
MARKETING (SINGAPORE) PRIVATE
LIMITED,

Defendant.

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CASE NO. 23-cr-118 (BAH)

~~PROPOSED~~ CONSENT ORDER OF FORFEITURE

WHEREAS, on or about April 7, 2023, British American Tobacco p.l.c. (“BAT”) and British-American Tobacco Marketing (Singapore) Private Limited (“BATMS”) (the “Defendants”) were charged in a two-count Information (the “Information”) with the offenses of Conspiracy to Commit Bank Fraud, in violation of 18 U.S.C. §§ 1344 and 1349 (Count 1), and Conspiracy to Violate the International Emergency Economic Powers Act (“IEEPA”), in violation of 50 U.S.C. § 1705 (Count 2);

WHEREAS, the Information alleged the forfeiture of any property, real or personal, which constitutes or is derived from proceeds traceable to Count 2, which property is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c);

WHEREAS, the Information further alleged that the United States will seek a forfeiture money judgment against Defendants for a sum of money equal to the value of any property, real or personal, which constitutes or is derived from proceeds traceable to Count 2;

WHEREAS, the Information further alleged that, if any of the property cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value,

or has been commingled with other property which cannot be divided without difficulty, as a result of any act or omission of Defendants, the United States shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c);

WHEREAS, on April 25, 2023, Defendant BATMS pled guilty to both counts in the Information and admitted the forfeiture allegation pursuant to an agreement (the “Plea Agreement”) with the Office of the United States Attorney for the District of Columbia and the National Security Division of the Department of Justice (the “Offices”);

WHEREAS, on April 25, 2023, Defendant BAT entered into a Deferred Prosecution Agreement (“DPA”) with the Offices;

WHEREAS, the BATMS Plea Agreement and the BAT DPA both stated that Defendants agree that BATMS and BAT are jointly and severally liable for the forfeiture amount;

WHEREAS, the parties agree to the entry of a forfeiture money judgment in the amount of \$189,541,115;

WHEREAS, pursuant to Fed. R. Crim. P. 32.2(b)(1), this Court determines, based on the evidence and information before it, that \$189,541,115 constitutes or is derived from proceeds traceable to Count 2, or is substitute property pursuant to 21 U.S.C. § 853(p), and is therefore subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c);

WHEREAS, pursuant to Fed. R. Crim. P. 32.2(b)(2), this Court determines, based on the evidence set forth during Defendant BATMS’s plea hearing, that a forfeiture money judgment against Defendant BATMS for \$189,541,115 is appropriate insofar as this property is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c);

WHEREAS, upon entry of a forfeiture order, Fed. R. Crim. P. 32.2(b)(3) authorizes the Attorney General or a designee to conduct any discovery the Court considers proper in identifying, locating, or disposing of property subject to forfeiture;

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. That the following property is declared forfeited to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c): \$189,541,115, which is property that constitutes or is derived from proceeds traceable to Count 2.

2. A forfeiture money judgment in the amount of \$189,541,115 is entered against Defendant BATMS.

3. Pursuant to Fed. R. Crim. P. 32.2(e), the Court shall retain jurisdiction to enforce this order, and to amend it as necessary.

4. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A), and with Defendant BATMS's consent, this Order is final as to Defendant BATMS. This Order shall be made part of the sentence and included in the judgment.

5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), the Attorney General or a designee, is authorized to conduct any discovery to identify, locate, or dispose of property subject to this Order.

6. Any forfeiture payments made by either BAT or BATMS shall be credited to Defendant BATMS. The total amount forfeited may not exceed \$189,541,115, and the forfeiture liabilities shall be discharged if and when the United States recovers that amount.

7. Pursuant to the agreement of the parties, forfeiture shall proceed on the following schedule:

- A. Payable on or before September 30, 2023 - \$94,770,557.50
- B. Payable on or before June 30, 2024 - \$94,770,557.50

These amounts are exclusive of interest, to which the United States is entitled and payment of which shall be calculated pursuant to 18 U.S.C. § 3612(f)(2). Interest shall be paid separately to the United States at the same time as the forfeited funds are provided.

8. The Clerk of the Court shall forward a certified copy of this Order to Assistant United States Attorney Karen P. Seifert at USADC.AFMLS2@USDOJ.gov.

Dated this 25 day of April, 2023.



BERYL A. HOWELL
UNITED STATES DISTRICT JUDGE