

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: JUN 03 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

ERIC IAN HORNAK SPOUTZ,
a/k/a "John Goodman,"
a/k/a "Robert Chad Smith,"
a/k/a "James Sinclair,"
a/k/a "Peter Jameson,"

Defendant.

CONSENT PRELIMINARY ORDER
OF FORFEITURE/
MONEY JUDGMENT

16 Cr. ()

16 CRIM 392

WHEREAS, on or about June 3, 2016, ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "Robert Chad Smith," a/k/a "James Sinclair," a/k/a "Peter Jameson," (the "defendant"), was charged in a one-count Information (the "Information"), with wire fraud, in violation of 18 U.S.C. § 1343 (Count One);

WHEREAS, the Information included a forfeiture allegation with respect to Count One of the Information, seeking forfeiture to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, of all property, real and personal, which constitutes, or is derived from, proceeds traceable to the offense alleged in Count One of the Information;

WHEREAS, on or about June 3, 2016, the defendant pled guilty to Count One of the Information, pursuant to a plea

agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit, a sum of money equal to \$1,450,000 in United States currency, representing property, real and personal, which constitutes, or is derived from, proceeds traceable to the offense alleged in Count One of the Information;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$1,450,000 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Information;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Andrew C. Adams, of counsel, and the defendant, and his counsel, Robert E. Goldman, Esq. that:

1. As a result of the offense charged in Count One of the Information, to which the defendant pled guilty, a money judgment in the amount of \$1,450,000 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Consent Preliminary

Order of Forfeiture/Money Judgment is final as to the defendant, ERIC IAN HORNAK SPOUTZ, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to 21 U.S.C. § 853, the United States Marshals Service, or its designee, shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including

depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

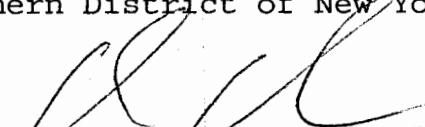
7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Jason Cowley, Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

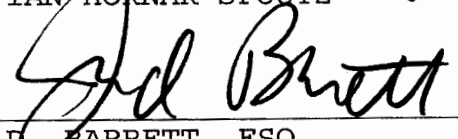
PREET BHARARA
United States Attorney for the
Southern District of New York

By: 
ANDREW C. ADAMS
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2340


6/2/16
DATE

ERIC IAN HORNAK SPOUTZ
By: 
ERIC IAN HORNAK SPOUTZ

6/3/16
DATE

By: 
JEAN D. BARRETT, ESQ.
Attorney for Defendant

6/3/16
DATE

SO ORDERED:

HONORABLE LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE

6/3/16
DATE