

HP

UNITED STATES DISTRICT COURT

Northern District of Illinois

UNITED STATES OF AMERICA

v.

JOSHUA CARLUCCI

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:17-CR-00448(1)

USM Number: 52560-424

Gal Pissetzky
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count one (1) of the superseding 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 defendant is adjudicated guilty of these offenses:

<u>Title & Section / Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1001(a)(2) Making False Statements in a Matter Within the Jurisdiction of a Federal Agency	07/26/2016	1s


The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)
- ☒ Any and all remaining counts are dismissed on the motion of the United States.

It is ordered that the defendant must 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.

November 6, 2018

Date of Imposition of Judgment


 Signature of Judge
 Matthew F. Kennelly, United States District Judge

Name and Title of Judge

11-8-2018

Date

DEFENDANT: JOSHUA CARLUCCI

CASE NUMBER: 1:17-CR-00448(1)

MANDATORY CONDITIONS OF PROBATION PURSUANT TO 18 U.S.C § 3563(a)

The defendant shall be on probation for a term of six (6) months as to count one (1) of the superseding information.

The court imposes those conditions identified below:

During the term of probation:

1. The defendant shall not commit another Federal, State, or local crime.
2. The defendant shall not unlawfully possess a controlled substance.
3. The defendant shall cooperate in the collection of a DNA sample.

DISCRETIONARY CONDITIONS OF PROBATION PURSUANT TO 18 U.S.C § 3563(b)

Discretionary Conditions.— The court orders that the abide by the following conditions during the term of probation, because such conditions are reasonably related to the factors set forth in § 3553(a)(1) and (a)(2) and are reasonably necessary for the purposes indicated in § 3553(a)(2). The court imposes those conditions identified below:

During the term of probation:

1. The defendant shall not possess a firearm, ammunition, or a dangerous weapon.
2. [If sentenced to a term of incarceration] The defendant shall report to the probation office in the federal judicial district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
3. During the term of probation / supervised release, the defendant shall report to the probation officer in a manner and frequency directed by the probation officer.
4. The defendant shall not knowingly leave the federal judicial district in which the defendant is being supervised without the permission of the court or probation officer, but may travel to New York and Puerto Rico without prior approval.
5. The defendant shall permit a probation officer to visit the defendant at any reasonable time at home or any other reasonable location specified by the probation officer. The defendant shall permit confiscation of any contraband observed in plain view of the probation officer.
6. The defendant shall answer truthfully any inquiries by the probation officer, subject to any constitutional or other applicable privilege.
7. The defendant shall notify the probation officer within 72 hours after becoming aware of any change or planned change in the defendant's employer, workplace, or residence.
8. The defendant shall notify the probation officer within 72 hours after being arrested, charged with a crime, or questioned by a law enforcement officer.
9. The defendant shall not knowingly meet, communicate, or otherwise interact with a person whom the defendant knows to be engaged, or planning to be engaged, in criminal activity.

DEFENDANT: JOSHUA CARLUCCI

CASE NUMBER: 1:17-CR-00448(1)

SPECIAL CONDITIONS OF PROBATION PURSUANT TO 18 U.S.C. 3563(b)(22)

The court imposes those conditions identified below:

During the term of probation:

1. If the defendant is not gainfully employed, the defendant shall conscientiously seek lawful employment or pursue a course of study or vocational training that will equip her for lawful employment.
2. If the defendant is not gainfully employed after the first 60 days of supervision, or for any 60 period during the term of supervision, the defendant shall perform 10 hours of community service per week at the direction of the probation officer until he is gainfully employed at lawful employment. The total amount of community service shall not exceed 200 hours over the term of supervision.
3. Any financial obligations imposed by the judgment are due immediately. To the extent the defendant is unable to pay the full amount immediately, the defendant shall pay any amount remaining due when the defendant's term of supervision commences in an amount that is at least 10% of the defendant's net monthly income, defined as income net of reasonable expenses for basic necessities such as food, shelter, utilities, insurance, and employment-related expenses.
4. While any financial obligations imposed by the judgment are outstanding:
 - a. The defendant shall apply all monies received from income tax refunds, lottery or gambling winnings, judgments, and/or any other unanticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
 - b. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
 - c. The defendant shall provide the probation officer with access to any requested financial information for use in connection with collection of outstanding restitution obligations.
 - d. Within 72 hours of any significant change in the defendant's economic circumstances, the defendant must notify the probation officer about the change.

DEFENDANT: JOSHUA CARLUCCI

CASE NUMBER: 1:17-CR-00448(1)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.00	\$0.00	\$180,000.00	\$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 must make restitution (including community restitution) to the following payees in the amount listed below.

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 below. However, pursuant to **18 U.S.C. § 3664(i)**, all nonfederal victims must be paid before the United States is paid.

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☒ The defendant must pay interest on restitution and 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 5 may be subject to penalties for delinquency and default, pursuant to **18 U.S.C. § 3612(g)**.
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the .
- ☐ the interest requirement for the is modified as follows:
- ☐ The defendant's non-exempt assets, if any, are subject to immediate execution to satisfy any outstanding restitution or fine obligations.

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

* 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: JOSHUA CARLUCCI

CASE NUMBER: 1:17-CR-00448(1)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☒ Lump sum payment of \$180,100.00 due immediately.
- ☐ balance due not later than _____, or
- ☒ balance due in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal _____ (e.g. 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** ☐ Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties:

Any financial obligations imposed by the judgment are due immediately. To the extent the defendant is unable to pay the full amount immediately, the defendant shall pay any amount remaining due when the defendant's term of supervision commences in an amount that is at least 10% of the defendant's net monthly income, defined as income net of reasonable expenses for basic necessities such as food, shelter, utilities, insurance, and employment-related expenses.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if Appropriate
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See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

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