

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF GEORGIA  
 ATLANTA DIVISION

UNITED STATES OF AMERICA

-vs-

Case No. 1:15-CR-338-1-MHC

Tony Archie

Defendant's Attorney:  
 R. Gary Spencer

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

The defendant was found guilty by jury on Counts 1, 3-8, 16-21, and 32 of the Indictment.

Accordingly, the defendant is adjudged guilty of such count(s) which involves the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Count No.</u>
18 USC §§ 1343 and 1349	Conspiracy to Commit Wire Fraud	1
18 USC §§ 1343, 1349 and 2	Conspiracy to Commit Wire Fraud	3 - 8
18 USC §§ 1341 and 2	Conspiracy to Commit Mail Fraud	16 & 17
18 USC §§ 1956(a)(1)(A)(I) and 2	Conspiracy to Commit Money Laundering	18 - 21
18 USC § 1957	Money Laundering	32

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay the special assessment of \$ 1,400.00 which shall be due immediately.

**IT IS FURTHER ORDERED** that the defendant shall notify the United States attorney for this district within thirty 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.

Defendant's Soc. Sec. No.       XXX-XX-2122                   Date of Imposition of Sentence: June 28, 2017  
 Defendant's Date of Birth:     1964  
 Defendant's Mailing Address:  
 Snellville, Georgia

Signed this the 11<sup>th</sup> day of July, 2017.

  
 MARK H. COHEN  
 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 **96 months on Counts 1, 3-8, 16-21 and 60 months on Count 32 to run concurrent.**

The Court recommends that the defendant participate in the Bureau of Prisons Inmate Financial Responsibility Program while incarcerated. During the period of incarceration, the defendant shall pay a minimum amount of \$25.00 per quarter toward restitution. Any portion of the restitution that is not paid in full at the time of the defendant's release from custody shall be paid at a rate of no less than \$150 per month plus 25% of gross income over \$2,500 per month.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons as notified by the United States Marshal.

**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 U.S. Marshal

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### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **three years on each Count to run concurrent**.

While on supervised release, the defendant shall not commit another federal, state or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard and special conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

The defendant shall not possess a firearm as defined in 18 U.S.C. § 921.

The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on supervised release and at least two periodic drug tests thereafter as directed by the probation officer.

Defendant shall participate as directed in a program approved by the Probation Officer for treatment or narcotic addiction or drug or alcohol dependency which may include testing for the detection of substance use or abuse. Further, the defendant shall be required to contribute to the costs of services for such treatment not to exceed an amount determined reasonable by the Probation Officer based on ability to pay or availability of third party payment and in conformance with the Probation Office's Sliding Scale for Substance Abuse Treatment Services.

Defendant shall participate as directed in a program of mental health treatment approved by the Probation Officer. Further, the defendant shall be required to contribute to the costs of services for such treatment not to exceed an amount determined reasonable by the Probation Officer based on ability to pay or availability of third party payment and in conformance with the Probation Office's Sliding Scale for Mental Health Treatment Services.

The defendant shall cooperate in collection of DNA at the direction of his Probation Officer.

The defendant shall submit to a search of his person, property (real, personal, or rental), residence, office, and/or vehicle, at a reasonable time and in a reasonable manner, based upon a reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

The defendant shall submit to a financial audit and make a complete disclosure of his finances at the direction of the Probation Officer. The defendant shall not incur new credit charges or open new lines of credit without first being in compliance with restitution payments and obtaining authorization from the Probation Officer.

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### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer within **72** hours of any change in residence or employment;
7. The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician, and shall submit to periodic urinalysis tests as directed by the probation officer to determine the use of any controlled substance;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within **72** hours of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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**RESTITUTION**

Restitution is due and payable immediately in the amount of \$1,098,786.67. Amounts payable to AT&T Mobility, Cellco Partnership, and Sprint Spectrum shall be payable jointly and severally with co-defendants Trushar Patel, Aliaksei Kharseyeu, Alfredo Capote, and Hendy Tirtawijaya. The amount payable to T-Mobile USA shall be paid jointly and severally with Trushar Patel, Aliaksei Kharseyeu, and Hendy Tirtawijaya. Any portion of the restitution that is not paid in full at the time of the defendant's release from imprisonment shall become a condition of supervision and shall be paid at a monthly rate of \$150.00 plus 25% of gross income in excess of \$2,300 per month.

The defendant shall make restitution to the following person(s) in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Amazon, Inc. 410 Terry Avenue North Seattle, WA 98109-5201	\$ 15,844.00
Apple, Inc. 1 Infinite Loop Cupertino, CA 95014	68,143.00
AT&T Mobility, LLC Attn: Stephen Weed 208 South Akard, 10 <sup>th</sup> Floor Dallas, TX 75202	152,264.00
Best Buy Co., Inc. 7601 Penn Avenue South Richmond, MN 55423	37,893.00
Brandsmart USA 5000 Motors Industrial Way Atlanta, GA 30360	798.00
Cellular Sales 9040 Executive Park Drive Knoxville, TN 37923	1,460.00
Diamond Wireless 3393 Peachtree Road, NE Space 19 Atlanta, GA 30326	930.00
Cellco Partnership d/b/a Verizon Wireless, Attn: Dan Vogt 1800 Washington Valley Road Bedminster, NJ 07921	297,593.96
Sprint Spectrum, LLP Attn: Scott Herring 6480 Sprint Parkway Overland Park, KS 66251	494,068.00

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T-Mobile USA, Inc. Attn: Chad McManus 4 Sylvan Way Parsippany, NJ 07054	24,957.71
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WalMart Stores, Inc. 702 SW 8 <sup>th</sup> Street Bentonville, AR 72716	4,425.00
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Wireless City 3927 Buford Highway, NE Atlanta, GA 3304	410.00
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<b>TOTAL</b>	<b>\$1,098,786.67</b>
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**FORFEITURE**

The defendant shall forfeit his right, title, and interest in the property consistent with this sentence and pursuant to 21 USC §853, 18 USC §924(d), and 28 USC §2461(c). The Preliminary Order and Judgment of Forfeiture entered by this Court on June 5, 2017, as attached shall be made a part of this Judgment.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA

*v.*

TONY ARCHIE, ET AL.

Criminal Action No.

1:15-CR-338-MHC-CMS-01

PRELIMINARY ORDER AND JUDGMENT OF FORFEITURE

WHEREAS, on February 15, 2017, a jury found Defendant Tony Archie guilty of violations of Title 18, United States Code, Section 1956(a)(1)(A)(i) (promotional money laundering) as charged on Counts 18 through 21 of the Indictment, and

WHEREAS, as the result of the guilty verdict on Counts 18 through 21 of the Indictment for which the United States sought forfeiture pursuant to Title 18, United States Code, Section 982(a)(1), Defendant Tony Archie shall forfeit to the United States, any property, real or personal, involved in such offenses, and

WHEREAS, the government seeks a personal money judgment against Defendant Tony Archie in an amount equal to the property involved in the promotional money laundering offenses charged in Counts 18 through 21 of the Indictment—a total of \$55,640.00, and

WHEREAS, the court has determined, based on the evidence already in the record, that at least \$55,640.00 represents the value of the property involved in the promotional money laundering offenses for which Defendant Tony Archie was found guilty, and



WHEREAS, Rule 32.2(c)(1) provides that "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment,"

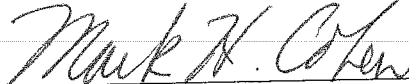
NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Defendant Tony Archie shall forfeit to the United States the sum of \$55,640.00 pursuant to Title 18, United States Code, Section 982(a)(1) .

IT IS HEREBY FURTHER ORDERED that, upon the entry of this Order, the United States Attorney General or his designee may conduct discovery to identify, locate and facilitate the disposition of property subject to forfeiture in accordance with Fed. R. Crim. P. 32.2(b)(3).

IT IS FURTHER ORDERED that the Court shall retain jurisdiction in this case for the purpose of enforcing this Order and that pursuant to Rule 32.2(b)(3), this Order of Forfeiture shall become final as to the Defendant at the time of sentencing and shall be made part of the sentence and included in the Judgment; and

IT IS FURTHER ORDERED that the United States may, at any time, move pursuant to Rule 32.2(e) to amend this Order of Forfeiture to substitute property having a value not to exceed \$55,640.00 to satisfy the money judgment in whole or in part. The government is not required to comply with the notice provisions of Title 21, United States Code, Section 853(n) until such time as any property is seized in satisfaction of the judgment.

SO ORDERED THIS 5<sup>th</sup> day of June, 2017.

  
\_\_\_\_\_  
MARK H. COHEN  
UNITED STATES DISTRICT JUDGE

Submitted by:  
Dahil D. Goss, Assistant United States Attorney  
(404) 581- 6245