

UNITED STATES DISTRICT COURT
Eastern District of Virginia
Norfolk Division

UNITED STATES OF AMERICA

v.

ROCKY P. OUPRASITH

Defendant.

Case Number: 2:15CR00095-001

USM Number: 86072-083

Defendant's Attorney: Bobby Howlett, Jr.

JUDGMENT IN A CRIMINAL CASE

The defendant pleaded guilty to Count 1 of the Criminal Information.

Accordingly, the defendant is adjudged guilty of the following count involving the indicated offense.

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Offense Class</u>	<u>Offense Ended</u>	<u>Count</u>
T.17, USC, Section 506(a)(1)(A), and T.18, USC, Sections 2319(b)(1) and 2	Criminal Copyright Infringement	Felony	April 14, 2014	1

As pronounced on November 17, 2015, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is 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.

Given this 17th day of November, 2015.

_____/s/
Rebecca Beach Smith
Chief Judge 

Rebecca Beach Smith
Chief Judge

Case Number: 2:15CR00095-001
Defendant's Name: OUPRASITH, ROCKY P.

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of THIRTY-SIX (36) MONTHS.

The Court makes the following recommendations to the Bureau of Prisons:

- 1) The defendant shall further his education towards obtaining his college degree.
- 2) The court recommends that the defendant be incarcerated in a facility in, or as close to, the state of North Carolina as possible.

The defendant shall self-report for service of the sentence at the institution designated by the Bureau of Prisons by Monday, January 4, 2016, at or before 3:00 p.m. If an institution has not been designated by that time, the defendant shall self-report for service of the sentence to the United States Marshal's Office, 600 Granby Street, Norfolk, VA 23510, by 3:00 p.m., on Monday, January 4, 2016.

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

Case Number: 2:15CR00095-001
Defendant's Name: OUPRASITH, ROCKY P.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of TWO (2) YEARS.

The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

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

The defendant shall not unlawfully possess a controlled substance. 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 from imprisonment and periodic drug tests thereafter, as determined by the court.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with the standard conditions that have been adopted by this court set forth below:

- 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 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 at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from 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;
- 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 of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two 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 for 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.

Case Number: 2:15CR00095-001
Defendant's Name: OUPRASITH, ROCKY P.

SPECIAL CONDITIONS OF SUPERVISION

While on supervised release pursuant to this Judgment, the defendant shall also comply with the following additional special conditions:

- 1) The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- 2) The defendant shall provide the probation officer access to any requested financial information.
- 3) The defendant shall apply monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation, or in a lesser amount to be determined by the Court upon the recommendation of the probation officer.
- 4) The court does not deny federal benefits because the denial is not applicable.

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Defendant's Name: OUPRASITH, ROCKY P.

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
	1	\$100.00	\$0.00	\$45,288.62
TOTALS:		\$100.00	\$0.00	\$45,288.62

FINES

No fines have been imposed in this case.

COSTS

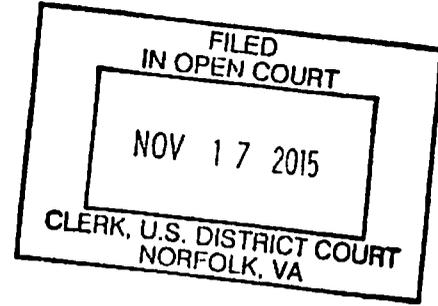
The Court waives the cost of prosecution, incarceration, and supervised release, except to the extent the defendant will have to bear the costs for any treatment programs needed while on supervised release.

RESTITUTION

See attached Restitution Order filed on November 17, 2015.

FORFEITURE

The court entered a Consent Order of Forfeiture on August 25, 2015, which is made a part hereof, thereby becoming a money judgment in the amount of \$50,851.05, to the extent all applicable notice and legal requirements set forth in the Consent Order of Forfeiture are met.



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 2:15CR095
)	
ROCKY P. OUPRASITH,)	
)	
<i>Defendant.</i>)	
_____)	

RESTITUTION ORDER

- Pursuant to 18 U.S.C § 3663(a)(3), the defendant is ordered to pay restitution in the amount of \$45,288.62.
- The amount of restitution paid to any victim, collectively, shall not exceed the victim's total loss from the offenses of conviction.
- The Clerk of Court shall forward all restitution payments to the victim: Recording Industry Association of America, 1025 F Street, NW 10th Floor, Washington, DC 20004.
- Interest: 
 is waived.

_____ accrues as provided in 18 U.S.C § 3612(f).
- Notwithstanding any other provision of this Restitution Order, including the directive to make periodic payments, restitution is due in full and payable immediately from assets known and unknown and including assets identified in the Presentence Report. The Government may enforce restitution at any time.
- If incarcerated, the Court encourages the defendant to participate in the Bureau of Prisons' Inmate Financial Responsibility Program, to comply with the provisions of the financial plan, and to meet the defendant's financial obligation, pursuant to 28 C.F.R. § 545.10-11.

- 7. The defendant shall pay to the Clerk at least \$^{RBS}200.00 per month or 25 percent of net income, whichever is greater, beginning 60 days from the inception of supervised release. The Court reserves the option to alter this amount, depending upon the defendant's financial circumstances at the time of supervised release.
- 8. All payments shall be made to the Clerk of Court, United States District Court, 600 Granby Street, Norfolk, Virginia 23510-1811.
- 9. Within 30 days of (a) any change of name, residence, or mailing address; and/or (b) any material change in economic circumstances that affects the ability to pay restitution, the defendant shall notify the Clerk of Court and the United States Attorney's Office, Financial Litigation Unit, 8000 World Trade Center, Norfolk, Virginia 23510.
- 10. No delinquent or default penalties will be imposed except upon Order of the Court.

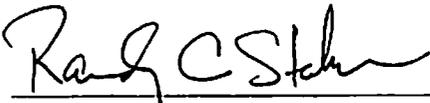
/s/
 Rebecca Beach Smith ^{RBS}
 Chief Judge
 Honorable Rebecca Beach Smith
 Chief United States District Judge

ENTERED this 17th day of Nov., 2015.

at Norfolk, Virginia

WE ASK FOR THIS:

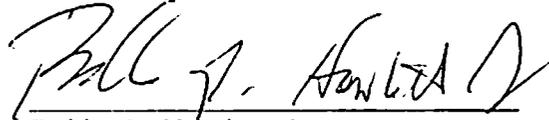
Dana J. Boente
 United States Attorney



Randy C. Stoker
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SEEN AND AGREED:

Rocky P. Ouprasith
 Defendant



Bobby L. Howlett, Jr.
 Counsel for Defendant
 327 Duke Street
 Norfolk, Virginia 23510
 Telephone - 757-623-5331
 E-Mail - bobbyhowlett@yahoo.com

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 2:15cr95
)	
ROCKY P. OUPRASITH)	
)	
Defendant.)	

CONSENT ORDER OF FORFEITURE

BASED UPON the defendant’s plea agreement with the United States, and **FINDING** that the requisite nexus exists between the property listed below, in which the defendant has an interest, and the offense(s) to which the defendant has pled guilty, **IT IS HEREBY ORDERED** pursuant to Federal Rule of Criminal Procedure 32.2 that:

1. The following property is forfeited to the United States pursuant to 17 U.S.C. § 506(b), 18 U.S.C. § 2323(a) & (b) and 18 U.S.C. § 981(a)(1)(C) by 28 U.S.C. §2461(c):

A sum of money in the amount of \$50,851.05 which represents the proceeds of the offense which sum shall constitute a monetary judgment against the defendant in favor of the United States.

1 Apple iPhone with serial number DNPLF22ZFNJP;

1 Apple iPad mini with serial number F4KK6GFPP193;

1 Lenovo laptop with serial number YB01293305;

**Miscellaneous CDs seized from the defendant on October 15, 2014;
and**

1 SanDisk mp3 player seized from the defendant on October 15, 2014.

2. A money judgment in the amount of **\$50,851.05** shall be included in the sentence of the defendant, and the United States may take steps to collect said judgment by all available

means.

3. The United States shall seize all forfeited property and shall take full and exclusive custody and control of same.

4. Upon the seizure of any property to satisfy all or part of the judgment, the United States shall, to the extent practicable, provide direct written notice to any persons known to have alleged an interest in the seized property, and shall publish notice of this order in accordance with Federal Rule of Criminal Procedure 32.2(b)(6). Any entity holding any assets in which the defendant has an interest, up to the sum of \$50,851.05, shall liquidate the assets and deliver the proceeds in a check payable to "U.S. Marshals Service" to the U.S. Attorney's Office, Attn: Asset Forfeiture Unit, 101 West Main Street, Suite 8000, Norfolk, VA 23510.

5. Any person, other than the defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the Court for a hearing to adjudicate the validity of their alleged interest in the property.

6. Following the Court's disposition of all timely petitions filed, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the *final* order of forfeiture, as provided by Federal Rule of Criminal Procedure 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property in accordance with law.

7. The parties stipulate and agree that the aforementioned judgment and assets represent property described in 17 U.S.C. § 506(b), 18 U.S.C. § 2323(a) & (b) and 18 U.S.C. § 981(a)(1)(C) by 28 U.S.C. §2461(c) and, as such, are subject to forfeiture thereunder. The defendant hereby waives the requirements of Federal Rules of Criminal Procedure 11(b)(1)(J), 32.2, and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of

the forfeiture at sentencing, and incorporation of the forfeiture in the judgment, and consents to the entry of this order.

8. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any appropriate discovery including depositions, interrogatories, requests for production of documents and for admissions, and the issuance of subpoenas, pursuant to Federal Rule of Civil Procedure 45, to identify, locate, or dispose of forfeitable property.

Dated this 25th day of August 2015

/s/

Rebecca Beach Smith 

Chief Judge

UNITED STATES DISTRICT JUDGE

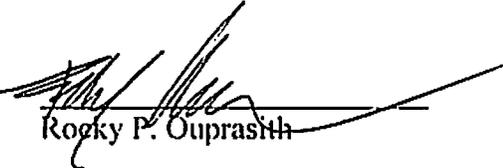
We ask for this:
Dana J. Boente
United States Attorney

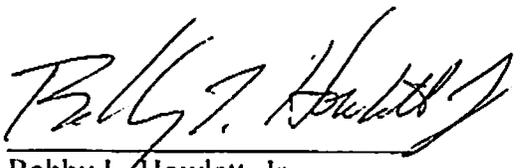
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Seen and Agreed
Rocky P. Ouprasith
Defendant

By: 
Rocky P. Ouprasith

By: 
Bobby L. Howlett, Jr
Counsel for Defendant
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Norfolk, VA 23510
Phone: (757) 632-5331
Email address: bobbyhowlett327@gmail.com

Case Number: 2:15CR00095-001
Defendant's Name: OUPRASITH, ROCKY P.

SCHEDULE OF PAYMENTS

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

The special assessment and restitution shall be due in full immediately.

The defendant shall pay to the Clerk at least \$200.00 per month beginning sixty (60) days from the inception of supervised release toward any restitution remaining unpaid. The court reserves the option to alter this amount, depending upon defendant's financial circumstances at the time of supervised release and depending upon how much restitution has been paid.

Interest on the restitution is waived.

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.

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.

Nothing in the court's order shall prohibit the collection of any judgment, fine, or special assessment by the United States.