

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

FIRST AMENDED JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: 8:06-CR-341-T-17EAJ

USM NUMBER: 28406-039

vs.

DANIEL DAVID DELPIANO

Defendant's Attorney: Jerome Froelich, Jr., Retained

THE DEFENDANT:

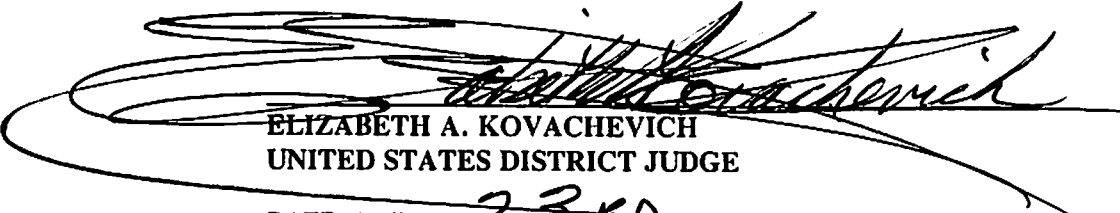
X pleaded guilty to count(s) one of the Information.

<u>TITLE & SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18:USC:371	Conspiracy to Commit Mail Fraud, Wire Fraud, and Money Laundering	October 30, 2001	One

The defendant is sentenced as provided in pages 2 through 14 of this first amended judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS FURTHER ORDERED that the defendant must notify the United States Attorney for this district within 30days 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 any material change in economic circumstances.

First Amended Date of Imposition of Sentence: April 23, 2008
Original Date of Imposition of Sentence: December 11, 2006


ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE
 DATE: April 23rd, 2008

Defendant: DANIEL DAVID DELPIANO
Case No.: 8:06-CR-341-T-17EAJ

First Amended Judgment - Page 2 of 14

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **FORTY-EIGHT (48) MONTHS** as to count one of the Information with credit for time served to be calculated by the United States Bureau of Prisons. This term of imprisonment shall run **CONCURRENTLY** with the term of imprisonment the defendant is currently serving, which was imposed in the District of Massachusetts, in Case Number 04-10324-JLT.

X The court makes the following recommendations to the United States Bureau of Prisons:

- (1) Incarceration at present site of incarceration.
- (2) Medical exam for brain damage at age five. Defendant is experiencing current problems re: the same.
- (3) Alcohol abuse counseling.
- (4) Interpersonal relationship and respect for others counseling.
- (5) Vocational education in carpentry, cabinet-making and electrical trades.

X The defendant is remanded to the custody of 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 United States Marshal

Defendant: DANIEL DAVID DELPIANO
 Case No.: 8:06-CR-341-T-17EAJ

First Amended Judgment - Page 3 of 14

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **THIRTY-SIX (36) MONTHS**.

The defendant must 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 at least two periodic drug tests thereafter, as determined by the court.

The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable).

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)

The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works or is a student, as directed by the probation officer. (Check, if applicable.)

The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 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 controlled substance or any paraphernalia related to any controlled 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 or a special agent of a law enforcement agency without the permission of the court; and
- 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.

Defendant: DANIEL DAVID DELPIANO
Case No.: 8:06-CR-341-T-17EAJ

First Amended Judgment - Page 4 of 14

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional conditions of supervised release:

- The defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, acquisitions or obligating himself for any major purchases without approval of the probation officer.
- The defendant shall provide the probation officer access to any requested financial information under oath, subject to the perjury laws.

Defendant: DANIEL DAVID DELPIANO
 Case No.: 8:06-CR-341-T-17EAJ

First Amended Judgment - Page 5 of 14

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>Fine</u>	<u>Total Restitution</u>
Totals:	\$100.00	\$Waived	\$6,314,738.44

— 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 non-federal victims must be paid before the United States.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
SEE ATTACHED VICTIMS LIST (PAGES 6-11)		\$6,314,738.44	
Totals:	\$ _____	<u>\$6,314,738.44</u>	

— Restitution amount ordered pursuant to plea agreement \$ _____.

— The defendant must pay interest on a fine or restitution 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 6 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 ____ 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 the offenses committed on or after September 13, 1994, but before April 23, 1996.

Page 6 of 14

Victims List
Docket No. 8:06-Cr-341-T-17EAJ

Name	Address	Amount
Adam C. & Travis Cole Coon	10903 Winter Oak Place Tampa, FL 33624	6,870.76
Anne Dinnan	2763 Woodgate Lane, #201 Sarasota, FL 34231	5,000.00
Barbara & Calmer Hardin, Jr.	5611 Patterson Road Riverview, FL 33569	82,375.52
Bernice J. Thomas	8612 Grandview Drive Temple Terrace, FL 33617	62,261.74
Betty J. & James L. Rogers	8723 Wick Place Tampa, FL 33604	86,632.93
Chalmas Ellison	5818 Curley Road Wesley Chapel, FL 33544	12,450.49
Charles & Marcia Hoening	402 Bayfield Drive Brandon, FL 33511	5,000.00
Charles & Shirley Graham	4415 W. Knollwood Street Tampa, FL 33614	5,000.00
Charles Hixon	HCR 65 Box 412 A Dunlap, TN 37327	7,325.77
Charles Meid	1006 Friendship Lane Lutz, FL 33549	230,074.60
Christopher A. Rose	1412 Hounds Hollow Ct. Lutz, FL 33549	120,928.99
Collis M. & Lillian R. Weaver	10809 Juliann Road Tampa, FL 33610	120,783.29
Connie Harris	1327 Divot Lane Tampa, FL 33612	20,693.10
Daniel C. Stalter	6103 East 130 th Avenue Temple Terrace, FL 33617	264,032.33
Darrel Cole	254 Morrow Road S. Lebanon, OH 45065	50,000.00
Diane Crosthwaite	7039 St. Rt. 350 Oregonia, OH 45054	21,950.56
Diane Halterman	35449 Bill Drive Zephyrhills, FL 33541	5,000.00

Page 7 of 14

Dianne Allen	1508 Gertrude Drive Brandon, FL 33511	25,000.00
Donald & Sara Jo Thompson	2502 Bordeaux Way Lutz, FL 33549	73,124.40
Donald Roy Bell	1134 Flat Creek Road Sevierville, TN 37876	20,000.00
Doris Quinn	2269 Piazza Drive Sarasota, FL 34238	3,000.00
Dorothy & Domenick Dino	12514 Avery Road Thonotosassa, FL 33592	31,065.79
Dorothy Lee Lindsey	7430 Alafia Drive Riverview, FL 33569-4508	27,772.18
Ealie C. Hunter	40126 Richland Road Zephyrhills, FL 33540-5353	38,751.49
Eddie & Barbara Jenkins	2712 Briarpatch Drive Valrico, FL 33594-5724	345,585.02
Elmer & Cedith Manning	3351 Sims Road Sevierville, TN 37876	10,000.00
Elnora Brown	5215 Lake LeClaire Lutz, FL 33549	40,000.00
Ernest Williamson	34179 Belt Drive Dade City, FL 33525	130,000.00
Evelyn S. Martin	301 Bahamas Ave. Temple Terrace, FL 33617	19,330.55
Francis & Lucy Holman	11130 Hwy. 674 Lithia, FL 33547	20,000.00
Frank & Betty Bennett	Inter Vivos Trust 2201 Holkham Place Sun City Central, FL 33573-7343	20,000.00
Fred & Penelope Elder	Rt. 1, Box 81 Burnsville, NC 28714	156,664.14
Garen F. Anderson	13140 Greenview Ct. Hudson, FL 34669	9,031.17
George & Marie Carlton	201 Larson Avenue Brandon, FL 33510	88,530.75
George M. Altman	2196 W. Main Street Wauchula, FL 33876	180,427.56

Page 8 of 14

Irene A. Lowenthal	6711 N. Orleans Ave. Tampa, FL 33604	5,000.00
Jack S. West	11 Bonnie Court South Homosassa, FL 34446	250,000.00
James & Elva Browning	16206 September Drive Lutz, FL 33549	10,000.00
James & Loretta Brownlee	6016 N. Hubert Ave. Tampa, FL 33614-5539	219,724.80
Jewel L. Holland	10720 Dixon Drive Riverview, FL 33569	207,777.51
Joe & Shirley Holland	10720 Dixon Drive Riverview, FL 33569-7406	207,156.96
John J. & Jean G. Trautman	5430 Riviera Drive Zephyrhills, FL 33541	63,785.21
John or Amelia Salzer	P. O. Box 25163 Sarasota, FL 34277	5,000.00
Joseph S. Stanaland	1657 Florence Fort Walton Beach, FL 32547	5,000.00
Joyce M. Jackson	P. O. Box 2347 Moultrie, GA 31776	5,000.00
Judy M. McAfee	8066 Wells Crossings West Chester, OH 45069	25,000.00
Kevin A. Kelley	2216 Woodcove Drive Batavia, OH 45103	3,000.00
Kevin A. Kelley	2216 Woodcove Drive Batavia, OH 45103	65,000.00
Kevin Sosa	4311 Oklahoma Ave. Tampa, FL 33616	35,751.00
Kimberly Ann Whigham	6907 Maple Creek Lane Dallas, TX 75252-2738	35,000.00
Kimberly Ann Whigham FBO/Megan Gooch	6907 Maple Creek Lane Dallas, TX 75252-2738	2,000.00
Lawrence N. Lee	6116 Silkdale Ct. Tampa, FL 33625	15,000.00
Linda S. Wilson	143 Twin Lakes Drive Moultrie, GA 31768	10,009.30

Page 9 of 14

Lloyd M. Jenkins	615 Dorothy Street Bartow, FL 33830-3228	124,144.72
Lloyd M. Jenkins FBO/ Jeremy J. Jenkins	615 Dorothy Street Bartow, FL 33830-3228	5,000.00
Margaret J. Williams	39401 9 th Avenue Zephyrhills, FL 33540	30,000.00
Marie Reeder	2414 Foster Lane Sarasota, FL 34239	68,000.00
Mariene Staller	6103 East 130 th Avenue Temple Terrace, FL 33617	11,135.74
Marilyn Annette Wolf	1714 69 th Avenue West C303 Bradenton, FL 34207	125,680.75
Mary E. Wick	2020 Whispering Sands Ct. Dover, FL 33527	52,190.65
Mary Jane Kelley	2221 Woodcove Drive Batavia, OH 45103	38,266.70
Mary T. Batchelder	11409 McMullen Loop Riverview, FL 33569	30,775.00
McCrary & Marnie Williams	P. O. Box 1208 Winauma, FL 33598	108,443.29
Michael J. Godshalk	2217 Summitt View Drive Valrico, FL 33594	6,588.04
Mildred E. Smith FBO/ Brett Lyndon Smith	21538 Woodstock Lane Lutz, FL 33549	3,056.46
Myra Y. Meid	1006 Friendship Lane Lutz, FL 33549	25,666.71
Nicki L. Bishop	179 Grandview Avenue Newport, KY 41071	21,000.00
Nivian & Raul Canals	116 Targa Ct. Tampa, FL 33606	28,465.54
Norma L. West	11 Bonnie Court South Homosassa, FL 34446	17,000.00
Norman H. & Pansy E. Roope FBO Garrett Cooper	3991 Saint Andrews Square Duluth, GA 30096	20,013.68
Norman H. & Pansy E. Roope	P. O. Box 4535 Cleveland, TN 37320	173,199.49

Page 10 of 14

Norman S. Worth, Sr./ Revocal Trustee	703 W. Indiana Avenue Tampa, FL 33603	40,000.00
Raul and Nivian Canals	116 Targa Court Tampa, FL 33606	60,000.00
Raymond & Shirley Brown	5119 Moll Acres Drive Plant City, FL 33567	172,302.04
Robert McVay	16416 U.S. Highway 19 th N., #1517 Clearwater, FL 34624	40,000.00
Ruth Sebastian	11-A 2 Cecella Drive Amelia, OH 45102	30,000.00
Ruth McMaster	1010 Emerson Drive Dunedin, FL 34698	30,000.00
S.D. & Doris Lanham	4120 Helene Place Valrico, FL 33594	38,600.18
Sandra Ellison	5818 Curley Rd. Wesley Chapel, FL 33544	4,051.56
Sandra J. Willis	6223 Gentle Ben Circle Wesley Chapel, FL 33544	8,179.31
Sarah Roddenberry	5113 Swanee Tampa, FL 33603-2147	10,000.00
Shirley Benthall Holland	10720 Dixon Drive Riverview, FL 33569	23,262.51
Shirley D. Benthall	10720 Dixon Drive Riverview, FL 33560-7406	92,874.01
Stanley Swanson	13510 Little Lake Place Tampa, FL 33613	8,000.00
Theodore R. Crutcher	1008 E. Caracas Street Tampa, FL 33603	4,400.00
Theresa Alonso	3973 Appletree Drive Valrico, FL 33594	3,000.00
Thomas & Minnie Jenkins	605 Dorothy Street Bartow, FL 33830	100,000.00
Thomas E. Granacher	1548 Trophy Ct. Florence, KY 41042-1163	36,971.69
Thomas E. Kelley	2221 Woodcove Drive Batavia, OH 45103	481,915.94

Page 11 of 14

Thomas Pletcher, Sr.	1600 Bayou Drive Alvin, TX 77511	23,046.27
Tim D. Stephens	716 Brooker Road Brandon, FL 33511	15,000.00
Tot Tony Chau	4442 Meadow Creek Circle Sarasota, FL 34233	12,000.00
Trautman Family Trust Trautman Trustees	5430 Riviera Drive Zephyrhills, FL 33541	15,000.00
Vernon F. Gregory	8105 Bell Road Knoxville, TN 37938-2304	229,386.19
Virgil & Shirley Best	10719 Dixon Drive Riverview, FL 33569	195,419.60
Warren E. Smith FBO Drew Alan Smith	21538 Woodstork Lane Lutz, FL 33549	3,056.46
Warren M. & Mildred Smith	21538 Woodstork Lane Lutz, FL 33549	65,722.38
William & Donna Houk	1135 Flat Creek Road Sevierville, TN 37876	5,000.00
William & Myrtle Clendening	3009 S. Mudlake Road Plant City, FL 33567-2401	69,365.84
William A. Brown	5215 Lake LeClare Rd. Lutz, FL 33549	60,689.78
William Cook	325 Heritage Oak Ct. Cincinnati, OH 45238	30,000.00
William E. & Delores Grantham	1001 Foxdale Place Valrico, FL 33594	5,000.00
Total		6,314,738.44

Defendant: DANIEL DAVID DELPIANO
Case No.: 8:06-CR-341-T-17EAJ

First Amended Judgment - Page 12 of 14

SCHEDULE OF PAYMENTS

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

- A. Lump sum payment of \$ 100.00 for special assessment due immediately.
 ___ not later than _____, or
 ___ in accordance ___ C, ___ D, ___ E or ___ F below; or
- B. **RESTITUTION PAYMENTS:**
 While in Bureau of Prisons custody, the defendant shall either (1) pay at least \$25 quarterly if the defendant has a non-Unicor job or (2) pay at least 50% of his monthly earnings if the defendant has a Unicor job. Upon release from custody, the defendant is ordered to begin making payments of \$500 per month and this payment schedule shall continue until such time as the Court is notified by the defendant, the victim or the government that there has been a material change in the defendant's ability to pay.
- C. ___ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ days (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:

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

___ 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 Court Orders that the defendant forfeit to the United States immediately and voluntarily any and all assets and property, or portions thereof, subject to forfeiture, which are in the possession or control of the defendant or the defendant's nominees. See attached Forfeiture Money Judgment (pages 13-14).

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.

Case 8:06-cr-00341-EAK-EAJ Document 22 Filed 12/08/2006 Page 1 of 2
Case 8:06-cr-00341-EAK-EAJ Document 21-2 Filed 12/08/2006 Page 1 of 2

Page 12 of 14

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 8:06-cr-341-T-17EAJ
	:	
DANIEL DAVID DELPIANO,	:	
	:	
Defendant.	:	
_____	:	

FORFEITURE MONEY JUDGMENT

THIS CAUSE comes before the Court upon the filing of the Motion of the United States of America for Entry of a Final Order for a Forfeiture Money Judgment, which, at sentencing, shall be a final order of forfeiture as to defendant Daniel David Del Piano. The Court, being fully advised in the premises, hereby finds as follows:

1. That defendant Daniel David Del Piano and his co-conspirators obtained funds in the amount of \$6,314,738.44 USD as a result of the conspiracy charged in Count One of the Information, to which the defendant pled guilty;
2. That the United States is entitled to a forfeiture money judgment in the entire amount of the proceeds obtained by the defendants, which is \$6,314,738.44 USD;
3. That defendant Daniel David Del Piano, along with defendant Daniel E. Stetson, Case No. 8:06-cr-439-T-30MSS, is jointly and severally liable for the entire amount of funds obtained as a result of the conspiracy charged in

Case 8:06-cr-00341-EAK-EAJ Document 22 Filed 12/08/2006 Page 2 of 2

Case 8:06-cr-00341-EAK-EAJ Document 21-2 Filed 12/08/2006 Page 2 of 2

Page 14 of 14

Count One of the Information in the instant case, which is \$6,314,738.44 USD.

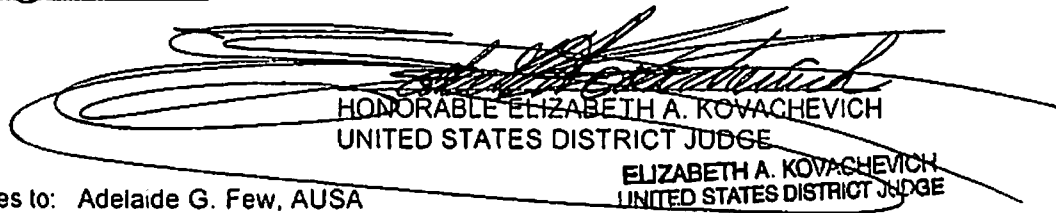
4. Based on his participation in the conspiracy charged in Count One of the Information, defendant Daniel David Del Piano is liable for one-half of the proceeds of the conspiracy, which is \$3,157,369.22 USD.

Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED that the United States' motion is GRANTED. It is FURTHER ORDERED that defendant Daniel David DelPiano is jointly and severally liable with Daniel E. Stetson for a forfeiture money judgment in the amount of \$6,314,738.44 USD. It is FURTHER ORDERED that defendant Daniel David Del Piano is liable to the United States of America for a forfeiture money judgment in the amount of \$3,157,369.22 USD, which is 50% of the liability for the proceeds of the conspiracy.

The Court shall retain jurisdiction to enter any orders necessary for the forfeiture and disposition of any assets the United States may seek, pursuant to 21 U.S.C. § 853(p), in satisfaction of such money judgment, and to entertain any third party claims that may be asserted in those proceedings.

DONE and ORDERED in Chambers in Tampa, Florida, this 8th day of December, 2006.


HONORABLE ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE
ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to: Adelaide G. Few, AUSA
Attorneys of Record