UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

DARRELL THOMAS

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 1:20-CR-296-JPB-CMS-1
USM Number: 73324019

BENJAMIN BLACK ALPER
Defendant's Attorney

THE DEFENDANT:

The defendant pleaded guilty to count(s) 1, 18.

The defendant is adjudicated guilty of these offenses:

Title & Section	**Nature of Offense**	**Offense Ended**	**Count**
18 U.S.C. § 1349	ATTEMPT AND CONSPIRACY TO COMMIT FRAUD	AUGUST 6, 2020	1
18 U.S.C. § 1956 AND § 2	MONEY LAUNDERING - BANK FRAUD	AUGUST 6, 2020	18

The defendant is sentenced as provided in pages **2** through **12** of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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.

MAY 9, 2022
Date of Imposition of Judgment

Signature of Judge

J. P. BOULEE, U. S. DISTRICT JUDGE
Name and Title of Judge

MAY 23, 2022
Date

Judgment in a Criminal Case
Sheet 2 -- Imprisonment

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **ONE-HUNDRED EIGHTY (180) MONTHS AS TO COUNT 1 AND ONE-HUNDRED EIGHTY (180) MONTHS AS TO COUNT 18, TO RUN CONCURRENTLY, FOR A TOTAL TERM OF ONE-HUNDRED EIGHTY (180) MONTHS**

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

- The Court recommends that Defendant be housed in the state of Florida.

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

____
DEPUTY UNITED STATES MARSHAL

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of: **FIVE (5) YEARS AS TO COUNT 1 AND THREE (3) YEARS AS TO COUNT 18, TO BE SERVED CONCURRENTLY, FOR A TOTAL TERM OF FIVE (5) YEARS**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must 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 you pose a low risk of future substance abuse.
4. You must cooperate in the collection of DNA as directed by the probation officer.
5. You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A and 3664. Restitution payments must be made to Clerk, U.S. District Court, Northern District of Georgia, 2211 U.S. Courthouse, 75 Ted Turner Dr. SW, Atlanta, GA 30303.

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

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see Overview of Probation and Supervised Release Conditions, available at: www.uscourts.gov

I understand that a violation of any of these conditions of supervised release may result in modification, extension, or revocation of my term of supervision.

Defendant's Signature	______________________________	Date	____________________
USPO's Signature	______________________________	Date	____________________

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

SPECIAL CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following special conditions of supervision.

You must make full and complete disclosure of your finances and submit to an audit of your financial documents at the request of your probation officer. You must provide the probation officer with full and complete access to any requested financial information and authorize the release of any financial information. The probation office may share the financial information with the United States Attorney's Office.

You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer.

You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that you violated a condition of your supervision and that areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

You must permit confiscation and/or disposal of any material considered to be contraband or any other item which may be deemed to have evidentiary value of violations of supervision.

CRIMINAL MONETARY PENALTIES

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

	Special Assessment
TOTAL	$200.00

The Court finds that the defendant does not have the ability to pay a fine and cost of incarceration. The Court waives the fine and cost of incarceration in this case.

	Fine
TOTAL	$0

	Restitution
TOTAL	$13,206,752.10

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.

Name of Payee	Total Loss*****	Restitution Ordered
CDC Small Business Finance, Attn: Todd Kobernick, Law Offices of Todd Kobernick, 2448 Historic Decatur Road, Suite 220, San Diego, CA 92106	$2,406,727.80	$2,406,727.80
Harvest Small Business Finance, Attn: Arely Garcia, AVP/Finance, 24422 Avenida De La Carlota, Ste. 232, Laguna Hills, CA 92653	$2,285,341.68	$2,285,341.68
Cross River Bank, Legal Department, 400 Kelby Street, 14th Floor, Fort Lee, New Jersey 07024	$2,393,113.19	2,393,113.19

Small Business Administration/DFC, Attn: Paul Keenan, 721 19th St., 3rd Floor, Room 301, Denver, CO 80202	$1,478,198.82	$1,478,198.82
Customers Bank, Attn: Kim Ogden, Director of Fraud Prevention and Investigation, 701 Reading Ave, West Reading, PA 19611	$1,456,940.00	$1,456,940.00
PNC Bank, Attn: Lori Hammers, 101 S. 5th Street, 6th Floor, MC: K1-K201-06-1, Louisville, KY 40202	$1,193,500.00	$1,193,500.00
Celtic Bank, Attn: Todd Boren, Chief Risk Officer, 268 S. State Street, Suite 300, Salt Lake City, UT 84111	$781,638.61	$781,638.61
State Farm Bank, Attn: Bryan Snyder, Enterprise Compliance and Ethics, One State Farm Plaza – C2, Bloomington, IL 61710	$527,127.00	$527,127.00
Digital Federal Credit Union, Attn: Rhonda Auger, Sr. Fraud Investigator, 220 Donald Lynch Blvd., PO Box 9130, Marlborough, MA 01752	$227,365.00	$227,365.00
Bank of America, Attn: Legal Department, 100 N. Tryon St., Charlotte, NC 28202	$140,000.00	$140,000.00
Navy Federal Credit Union, Attn: Erin Hackney, Court Order	$104,000.00	$104,000.00

Operation, 820 Follin Lane, Vienna, VA 22180		
Regions Bank, Attn: Mary Ann Coker, Corporate Security, 2090 Parkway Office Cir., Hoover, AL 35244	$85,000.00	$85,000.00
Del Norte, Attn: Pam Atencio, Chief Operations Officer, PO Box 1180, Los Alamos, NM 87544	$57,000.00	$57,000.00
Truist (formerly BB&T), Attn: Financial Crimes, 4320 Kahn Drive, Bldg 2, Lumberton, NC 28358	$40,000.00	$40,000.00
USAA, Attn: USAA Corporate Security Investigations, PO Box 22373, San Antonio, TX 78265	$30,800.00	$30,800.00
TOTALS	$13,206,727.80	$13,206,727.80

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 restitution.

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 $ due immediately, balance due:
   ☐ not later than _____, or
   ☐ 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 _____ 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 _____ days *(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 _____ days *(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 the period of 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.

Defendant	**Case Number**	**Total Joint and Several Amount**	**Corresponding Payee**
Charles Hill IV	1:20-cr-296-JPB-CMS-16	$1,004,805.00	CDC Small Business Finance; Small Business Administration/DFC
Meghan Thomas	1:20-cr-296-JPB-CMS-7	$2,381,760.35	CDC Small Business Finance; Harvest Small Business Finance; Small Business Administration/DFC; Customers Bank
Amanda Christian	1:20-cr-296-JPB-CMS-9	$835,542.00	CDC Small Business Finance; Cross River

			Bank; Small Business Administration/DFC
Jesika Blakely	1:20-cr-296-JPB-CMS-8	$5,348,498.89	CDC Small Business Finance; Cross River Bank; Small Business Administration/DFC; Customers Bank; Harvest Small Business Finance
Denesseria Slaton	1:21-cr-179-JPB-1	$2,412,222.00	CDC Small Business Finance; Cross River Bank; Small Business Administration/DFC; Customers Bank
Dwan Ashong	1:20-cr-296-JPB-CMS-10	$1,376,658.00	CDC Small Business Finance; Harvest Small Business Finance; Small Business Administration/DFC; Customers Bank; Celtic Bank; Cross River Bank
Teldrin Foster	1:20-cr-296-JPB-CMS-20	$10,393,787.35	CDC Small Business Finance; Harvest Small Business Finance; Cross River Bank; Small Business Administration/DFC; Customers Bank; Celtic Bank
Ricky Dixon	1:20-cr-296-JPB-CMS-6	$4,263,783.92	CDC Small Business Finance; Harvest Small Business Finance; Small Business Administration/DFC; Customers Bank; Celtic Bank; State Farm Bank; PNC Bank
El Hadj Sall	1:20-cr-296-JPB-CMS-18	$823,585.00	CDC Small Business Finance; Small Business Administration/DFC

Rick McDuffie	1:20-cr-296-JPB-CMS-19	$5,125.00	CDC Small Business Finance
Ryan Whittley	1:20-cr-296-JPB-CMS-17	$797,275.00	CDC Small Business Finance; Small Business Administration/DFC
Charles Petty	1:20-cr-296-JPB-CMS-12	$830,417.00	Cross River Bank; Small Business Administration/DFC
Charmaine Redding	1:21-cr-00178-JPB-1	$1,101,993.91	Harvest Small Business Finance; PNC Bank; Celtic Bank; State Farm Bank; Small Business Administration/DFC
Khalil Green	1:20-cr-296-JPB-CMS-3	$830,000.00	Cross River Bank; Small Business Administration/DFC
Jerry Baptiste	1:20-cr-296-JPB-CMS-13	$830,417.00	Cross River Bank; Small Business Administration/DFC
John Gaines	1:20-cr-296-JPB-CMS-11	$806,710.00	Cross River Bank; Small Business Administration/DFC
Andre Gaines	1:21-cr-00206-JPB-1	$806,710.00	Cross River Bank; Small Business Administration/DFC
Carla Jackson	1:20-cr-296-JPB-CMS-5	$335,238.22	Cross River Bank;
Bern Benoit	1:20-cr-296-JPB-CMS-4	$830,417.00	Cross River Bank; Small Business Administration/DFC
Derek Parker	1:20-cr-296-JPB-CMS-14	$818,101.00	Harvest Small Business Finance; Small Business Administration/DFC
David Belgrave	1:20-cr-296-JPB-CMS-15	$877,000.00	Small Business Administration/DFC; Customers Bank

☐ 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: ***See Consent Preliminary Order of Forfeiture entered on August 4, 2021 and Supplemental Consent Preliminary Order in 1:20-cr-296-JPB-1 entered on May 9, 2022 for more details.***

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.