

No. 21-

IN THE
Supreme Court of the United States

BRADLEY LANE CROFT,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Fifth Circuit**

APPENDIX VOLUME

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TABLE OF CONTENTS

APPENDIX A	Decision of the United States Court of Appeals for the Fifth Circuit denying relief on direct appeal.
APPENDIX B	Judgment in a Criminal Case issued the United States District Court for the Western District of Texas, San Antonio Division.

APPENDIX A

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 24, 2022

Lyle W. Cayce
Clerk

No. 21-50380
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRADLEY LANE CROFT,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:18-CR-603-1

Before KING, COSTA, and HO, *Circuit Judges.*

PER CURIAM:*

Bradley Lane Croft challenges the sufficiency of the evidence supporting his convictions for wire fraud, aggravated identity theft, and money laundering. He also challenges the restitution and forfeiture orders

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-50380

issued by the district court pursuant to those convictions. For the following reasons, we AFFIRM.

I. FACTS AND PROCEDURAL HISTORY

From 2011 to 2018, Bradley Lane Croft was the operator of Universal K-9, a school in San Antonio that trained dogs, as well as handlers, for various law-enforcement related tasks such as detection and tracking. Initially, many of Croft's students came from small police departments; he would both train a person as a handler and then provide him or her with a dog (often obtained from shelters) for \$2,500, well below the normal price of obtaining a working dog even before considering the price of training. Croft then thought of a new approach to expand his business: teaching veterans who could pay the course fee using funds provided through the G.I. Bill and paid by the Education Benefits Program of the Department of Veterans Affairs (VA). To be eligible to receive those funds, Universal K-9 had to be certified by the Texas Veterans Commission (TVC) as a non-accredited, non-college-degree school.

Over the course of three years, Croft submitted multiple applications to the TVC; eventually, after the fourth application (received on March 4, 2016) was approved, Universal K-9 was certified by the TVC and accepted by the VA on June 24, 2016. One of the required attachments for an application for a non-accredited, non-college-degree school was a "Roster of Administrative and Instructional Staff." The form where that information was to be submitted contained a provision where the submitting applicant agreed: "I certify that the information on this form (and/or attachment) is true and correct to the best of my knowledge and belief."

Rufus Coburn, who was the Assistant Director of the TVC when Croft's applications were submitted, testified at trial that the name of the instructors and their certifications to teach the listed classes were required

No. 21-50380

for approval of an application by the TVC. He also described the roster as a “particularly important” part of the application. Coburn additionally testified that each individual instructor had to be approved to teach veterans by the TVC, that “the veteran will not be able to get the G.I. Bill benefits if [an] unapproved instructor is one of their instructors,” and that the roster of instructors had to be updated if any changes occurred.

On the final application, which was ultimately approved, Croft listed four instructors whose duties were to “[t]each [c]lass and [t]rain [d]ogs”: Wes Keeling, Dustin Bragg, Jesse Stanley, and Art Underwood. In the column titled “Course/Subject Taught,” each had the following courses listed: Police K-9 Handlers Course, Police K-9 Trainers Course, K-9 Interdiction Course, Behavioral Modification, and Kennel Master Course. Croft’s application additionally included numerous certificates detailing the certifications of the four instructors.

However, at trial, evidence was introduced that the four individuals had neither given their permission to be listed as Universal K-9 instructors for the purposes of the TVC application nor actually served as instructors for the listed courses. Wes Keeling testified that he only taught a short interdiction course as a module to Universal K-9’s larger program (and only to police officers and not to the general public), stopped teaching for Universal K-9 in 2017, and did not agree to teach the courses listed on the application nor grant permission for Croft to use his name and certifications on the application. Dustin Bragg testified that he had never talked with Croft about joining Universal K-9’s staff nor had he authorized use of his name for the application, but instead taught just one-to-two interdiction modules with Keeling (who served as his point of contact and paid Bragg for that work); he did not agree to teach any other courses. Jesse Stanley testified that he had agreed to work with Universal K-9 should it be approved for different military contracts that were separate from and predated the TVC application, ended

No. 21-50380

his working relationship with the company in 2014, and was already employed by the Department of Homeland Security by the time the final application was submitted and approved. The court did not hear testimony from Art Underwood, and for good reason—he was dead, and had been dead since March 16, 2014, approximately two years before Croft filed his final application. Multiple students (including veterans who took classes using G.I. Bill funds) testified that their classes were primarily taught by Croft and/or other individuals not listed on the TVC application.

The court also heard testimony from Richard Cook, who recruited veterans and processed paperwork for Universal K-9 to be paid by the VA. Cook was a 100% disabled veteran who suffered from cognitive disabilities due to injuries he suffered as a result of a random act of violence years earlier. Cook testified that, unbeknownst to him, Croft had listed Cook as the President of Universal K-9 on applications to the TVC. Cook also testified that, at Croft's direction, he opened multiple bank accounts in his own name for Universal K-9 to receive funds from the VA (ultimately totaling \$1,506,758.31) and sent the checkbooks, debit cards, and online passwords to Croft.

Croft often directed Cook to withdraw funds from these accounts, and sometimes to funnel those funds through Cook's own bank accounts, which Croft then used to make several purchases. These purchases were either made with the hope to expand Universal K-9 and its activities with veterans or for Croft's own benefit. These purchases included an American Eagle 45T mobile home, a property at 15329 Tradesman in San Antonio, multiple pickup trucks held in the name of other people (including Croft's daughter), payment for elective surgery, and jet skis. For some of these purchases, Croft had Cook withdraw money from the Universal K-9 accounts holding VA money in intervals of \$9,000 or less, under the threshold where reporting is required by the financial institution.

No. 21-50380

In a superseding indictment, Croft was charged with eight counts of wire fraud in violation of 18 U.S.C. § 1343, four counts of aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1), two separate counts of money laundering in violation of 18 U.S.C. § 1956(a)(1)(A), (a)(1)(B), and (a)(2), and two counts of making a false tax return in violation of 26 U.S.C. § 7206(1). After a bench trial, Croft was found guilty on all counts. He was ultimately sentenced to 118 months' imprisonment. The court also ordered that Croft pay a \$1,600 special assessment and \$1,506,758.31 in restitution and ordered forfeiture of several pieces of personal and real property.¹ Croft timely appeals.

II. DISCUSSION

Croft challenges the sufficiency of the evidence supporting his convictions for wire fraud, aggravated identity theft, and money laundering.² He additionally challenges the district court's restitution and forfeiture orders.

We “review[] a district court’s finding of guilt after a bench trial to determine whether it is supported by ‘any substantial evidence.’” *United States v. Serna-Villarreal*, 352 F.3d 225, 234 (5th Cir. 2003) (quoting *United States v. Shelton*, 325 F.3d 553, 557 (5th Cir. 2003)). That is, we look to see whether “any rational trier of fact could have found that the evidence established guilt beyond a reasonable doubt.” *Id.* In doing so, we cast the evidence “in the light most favorable to the verdict,” *id.*, and “defer to all reasonable inferences drawn by the trial court,” *United States v. Turner*, 319

¹ The specific forfeiture was: a mobile home; two pickup trucks; two jetskis; a trailer; multiple specific amounts of currency seized from Universal K-9’s bank accounts; the property at 15329 Tradesman, San Antonio; and a money judgment equal to \$1,300,000 representing the value of traceable proceeds.

² He does not challenge his convictions for making false tax returns.

No. 21-50380

F.3d 716, 721 (5th Cir. 2003) (quoting *United States v. Mathes*, 151 F.3d 251, 252 (5th Cir. 1998)). We will take each challenged conviction in turn.

A. Wire Fraud

Proving wire fraud requires proving the following elements: “(1) a scheme to defraud; (2) the use of, or causing the use of, wire communications in furtherance of the scheme; and (3) a specific intent to defraud.” *United States v. Harris*, 821 F.3d 589, 598 (5th Cir. 2016). “‘Scheme to defraud’ is tricky to define, ‘but it includes any false or fraudulent pretenses or representations intended to deceive others in order to obtain something of value, such as money, from the [entity] to be deceived.’” *United States v. Swenson*, 25 F.4th 309, 316–17 (5th Cir. 2022) (alteration in original) (quoting *United States v. Evans*, 892 F.3d 692, 711–12 (5th Cir. 2018)). The false statement or pretense must also be material, meaning that “it has ‘a natural tendency to influence, or [is] capable of influencing, the decision of the decisionmaking body to which it was addressed.’” *Harris*, 821 F.3d at 599 (alteration in original) (quoting *United States v. Gaudin*, 515 U.S. 506, 509 (1995)). Lastly, the intent element requires that the defendant “acts knowingly with the specific intent to deceive for the purpose of causing pecuniary loss to another or bringing about some financial gain to himself.” *Swenson*, 25 F.4th at 318–19 (quoting *Evans*, 892 F.3d at 712).

The use of the wires is not in dispute—Croft’s successful application for Universal K-9 to be certified by the TVC led more than a million dollars of G.I. Bill funds to be transported through the wires and into his coffers. The only question, then, is whether that certification was procured through fraud. We agree that there was sufficient evidence to that effect.

First, looking to the scheme, there was sufficient evidence that Croft falsely listed four individuals on his application as instructors who did not, and would not, serve in that role. The court heard ample testimony to that

No. 21-50380

effect from many of the individuals themselves. And it beggars belief that Croft, when filling out his application, had Art Underwood's agreement to train and instruct dog handlers from beyond the grave. Sufficient evidence supported finding false representations, and material false representations at that: Rufus Coburn testified to the importance of the roster of instructors to the application, and that an application without an accurate list of certified instructors would be denied.

Further, to the extent any of the four were previously involved with Universal K-9, taught some classes overlapping with veterans attending, or even were somewhat involved with the TVC application (as Croft argues), that does not cut against a finding of deceit. The TVC, in approving an application, expected that the listed, certified instructors were teaching the listed classes. They were not. The TVC further expected that it and the VA would be kept abreast of any changes to the roster of instructors. They were not. And the TVC and VA expected that the veterans who were spending their G.I. Bill benefits on classes at Universal K-9 would be taught the specific classes listed on the application by the specific instructors listed on the application. They were not. That is sufficient to find deceit. Any argument that at least one qualified instructor worked for Universal K-9 after certification, and may have even taught some classes to veterans, barks up the wrong tree. The application called for a person to provide, to the best of his or her knowledge, a complete, accurate roster of certified instructors teaching specific classes before an application could be approved. Croft did not provide that, but instead provided a list rife with falsehoods. There was sufficient evidence that these falsehoods were not included by mistake, but instead were designed to deceive. We have previously noted that false representations made to procure a government contract for which a person would not otherwise qualify evidence a scheme to defraud. *See Harris*, 821

No. 21-50380

F.3d at 598–99. There was sufficient evidence of that here, and, therefore, sufficient evidence to find a scheme to defraud.

There was also sufficient evidence to find a specific intent to defraud. “[P]roof of such intent can arise ‘by inference from all of the facts and circumstances surrounding the transactions.’” *United States v. Ismoila*, 100 F.3d 380, 387 (5th Cir. 1996) (quoting *United States v. Keller*, 14 F.3d 1051, 1056 (5th Cir. 1994)). As stated above, there was ample evidence that Croft listed individuals as instructors who had not, would not, and even could not serve in that role. Further evidence arises from the fact that, even after certification, Croft did not even reach out to any of the living individuals to enlist them as the instructors he purported them to be. And even more evidence of intent can be derived from the fact that Croft used VA monies to enrich himself. See *United States v. Stockman*, 947 F.3d 253, 264 (5th Cir. 2020); *United States v. Mann*, 493 F.3d 484, 493 (5th Cir. 2007). There was sufficient evidence to find Croft’s intent to defraud, and, therefore, sufficient evidence to support the convictions for wire fraud.

B. Aggravated Identity Theft

We next turn to Croft’s challenge to his conviction for aggravated identity theft. “To establish aggravated identity theft in violation of 18 U.S.C. § 1028A, the Government was required to prove that [Croft] (1) knowingly used (2) the means of identification of another person (3) without lawful authority (4) during and in relation to a felony enumerated in 18 U.S.C. § 1028A(c).” *United States v. Mahmood*, 820 F.3d 177, 187 (5th Cir. 2016). Wire fraud is one of said enumerated offenses, 18 U.S.C. § 1028A(c)(5), and a person’s name is considered a means of identification, 28 U.S.C. § 1028(d)(7)(A).

Croft’s sole challenge was based on an asserted lack of “use” of the four victim’s names. He points to cases from other circuits for support,

No. 21-50380

principally focusing on *United States v. Miller*, 734 F.3d 530 (6th Cir. 2013). There, the Sixth Circuit held that “as a matter of law, [the defendant] did not ‘use’ a means of identification within the meaning of § 1028A by signing a document in his own name which falsely stated that [the alleged victims] gave him authority . . . to act on [their behalf].” *Id.* at 542. However, that argument is now foreclosed by *United States v. Dubin*, 27 F.4th 1021 (5th Cir. 2022) (en banc). There, our en banc court adopted the panel’s opinion, which found the “use” requirement satisfied when a person employs another’s means of identification without permission and in furtherance of a crime, even if said means were initially acquired legally. *United States v. Dubin*, 982 F.3d 318, 326–27 (5th Cir. 2020), *adopted by*, 27 F.4th 1021, 1021–22 (5th Cir. 2022) (en banc). The same is true here: no matter how he acquired the names and certifications of the four individuals, he submitted them to the TVC (thus using the individual’s names) without lawful authority in furtherance of his wire-fraud scheme. As Croft now all but concedes, *Dubin* disposes of his argument that he did not “use” the names of the four individuals within the meaning of the aggravated identity theft statute. There was sufficient evidence supporting Croft’s convictions under that statute.

C. Money Laundering

We now briefly turn to Croft’s objections to his money-laundering conviction. “To sustain a conviction under the money laundering promotion statute, the Government must show that the defendant: (1) conducted or attempted to conduct a financial transaction, (2) which the defendant then knew involved the proceeds of unlawful activity, (3) with the intent to promote or further unlawful activity.” *United States v. Miles*, 360 F.3d 472, 477 (5th Cir. 2004). Croft’s sole challenge to his money-laundering convictions hinges on his challenge to his wire-fraud convictions—because there was no wire fraud, he argues, there were no proceeds from said fraud

No. 21-50380

that could have been laundered. Because we affirm Croft's convictions for wire fraud, we correspondingly affirm his convictions for money laundering related to the proceeds from that fraud.

D. Restitution and Forfeiture

We last consider Croft's challenge to the district court's orders on restitution and forfeiture. We review the legality of restitution orders de novo. *United States v. Swenson*, 25 F.4th 309, 322 (5th Cir. 2022). Factual findings underpinning the restitution order are reviewed for clear error. *United States v. Beydoun*, 469 F.3d 102, 107 (5th Cir. 2006). The same framework—de novo review of the law, clear error review of the factual findings—applies to forfeiture orders as well. *United States v. Reed*, 908 F.3d 102, 110, 125 (5th Cir. 2018), *cert. denied*, 139 S. Ct. 2655 (2019).

Like his challenges to his money-laundering convictions, much of Croft's argument related to the restitution and forfeiture orders rely on his assertion that insufficient evidence supports his wire-fraud convictions. He argues that no wire fraud occurred requiring restitution, and that there can be no nexus allowing for forfeiture between property and a nonexistent crime. Because we find there was sufficient evidence to support the wire-fraud convictions, these arguments are without merit.

And there is no other issue with the district court's orders. “[W]here a fraudulent scheme is an element of the conviction, the court may award restitution for ‘actions pursuant to that scheme.’” *Swenson*, 25 F.4th at 322 (quoting *United States v. Cothran*, 302 F.3d 279, 289 (5th Cir. 2002)). The United States government paid Croft over \$1.5 million dollars for veterans to be taught by the certified instructors approved by the TVC; numerous veterans had money taken from their accounts with the VA to pay for that training. But the veterans did not receive that promised training, but instead received training of unknown quality. Because of that fact, the government

No. 21-50380

proffered, without objection, that during the investigation agents sent “a bulletin to all law enforcement agencies in the United States warning them about this problem” with Universal K-9. The extent of actual, beneficial training that the veterans might have received is beside the point. Universal K-9’s operations and teaching of veterans was “‘systematically tainted with fraud’ and it was impossible to tell which services were legitimate versus illegitimate.” *United States v. Karie*, 976 F.3d 800, 805 (8th Cir. 2020) (quoting *United States v. Miell*, 661 F.3d 995, 1001 (8th Cir. 2011)). The district court’s order of restitution for the entire amount of money Croft was paid by the VA was not erroneous.

As to the forfeiture, Croft’s sole argument on appeal, aside from the challenge to his convictions, boils down to a single sentence: “[T]he Government has failed to prove the above references nexus necessary for forfeiture.” “A party that asserts an argument on appeal, but fails to adequately brief it, is deemed to have waived it.” *United States v. Scroggins*, 599 F.3d 433, 446 (5th Cir. 2010) (quoting *Knatt v. Hosp. Serv. Dist. No. 1 of E. Baton Rouge Parish*, 327 F. App’x 472, 483 (5th Cir. 2009)). Croft’s single sentence reference to a lack of the required “nexus,” without any further explanation or argument, is insufficient to satisfy the requirement that “a party must ‘press’ its claims.” *Id.* at 447 (quoting *Knatt*, 327 F. App’x at 483). In any event, the district court’s findings that Croft “engaged in a pattern of deceit,” “placed virtually every asset there was in somebody else’s name,” and “held an iron grip and controlled everything that was going on at that facility,” and that therefore all of the seized assets could be traced to Croft and his monies procured by fraud were not erroneous, let alone clearly erroneous. We affirm the restitution and forfeiture orders.

No. 21-50380

IV. CONCLUSION

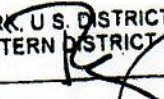
For the foregoing reasons, the judgment of the district court is
AFFIRMED.

APPENDIX B

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MAY 18 2021

CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY  DEPUTY

UNITED STATES OF AMERICA

v.

Case Number: 5:18-CR-00603-DAE(T)

USM Number: 91543-080

BRADLEY LANE CROFT
aka Bradley Croft, Bradley L. Croft,
Brad Croft, Bradley Lane Groft, Brad L. Croft
 Defendant.

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

The defendant, BRADLEY LANE CROFT, was represented by Scott W. McCrum, Esq.

On a motion of the United States, the Court dismissed the remaining counts as to this defendant.

The defendant was found guilty on Counts One (1s), Two (2s), Three (3s), Four (4s), Five (5s), Six (6s), Seven (7s), Eight (8s), Nine (9s), Ten (10s), Eleven (11s), Twelve (12s), Thirteen (13s), Fourteen (14s), Fifteen (15s), Sixteen (16s) of the Superseding Indictment by a Court verdict on November 6, 2019. Accordingly, the defendant is adjudged guilty of such Counts, involving the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §1343	Wire Fraud	01/17/2018	One (1s)
18 U.S.C. §1343	Wire Fraud	01/25/2018	Two (2s)
18 U.S.C. §1343	Wire Fraud	01/25/2018	Three (3s)
18 U.S.C. §1343	Wire Fraud	01/29/2018	Four (4s)
18 U.S.C. §1343	Wire Fraud	02/06/2018	Five (5s)
18 U.S.C. §1343	Wire Fraud	02/15/2018	Six (6s)
18 U.S.C. §1343	Wire Fraud	02/16/2018	Seven (7s)
18 U.S.C. §1343	Wire Fraud	03/06/2018	Eight (8s)
18 U.S.C. § 1028A(a)(1)	Aggravated Identity Theft	10/04/2015	Nine (9s)
18 U.S.C. § 1028A(a)(1)	Aggravated Identity Theft	10/04/2015	Ten (10s)
18 U.S.C. § 1028A(a)(1)	Aggravated Identity Theft	10/04/2015	Eleven (11s)
18 U.S.C. § 1028A(a)(1)	Aggravated Identity Theft	10/04/2015	Twelve (12s)
18 U.S.C. § 1956(A)(1)(A) 18 U.S.C. § 1956(B)	Money Laundering	05/25/2017	Thirteen (13s)
18 U.S.C. § 1956(A)(1)(A) 18 U.S.C. § 1956(B)	Money Laundering	04/16/2018	Fourteen (14s)
26 U.S.C. § 7206(a)	Making or Subscribing a False Tax Return	02/25/2017	Fifteen (15s)

21-50380.1669

AO 245B (Rev. TXW 10/12) Judgment in a Criminal Case

Judgment -- Page 2 of 11

DEFENDANT: BRADLEY LANE CROFT
CASE NUMBER: 5:18-CR-00603-DAE(1)

26 U.S.C. § 7206(a) Making or Subscribing a False Tax Return 04/05/2018 Sixteen (16s)

As pronounced on April 30, 2021, the defendant is sentenced as provided in pages 2 through 11 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is further 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.

Signed this 18th day of May, 2021.



DAVID A. EZRA
Senior United States District Judge

DEFENDANT: BRADLEY LANE CROFT
CASE NUMBER: 5:18-CR-00603-DAE(1)

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 and eighteen (118) months**. This total term consists of seventy (70) months as to count one (1s); seventy (70) months as to count two (2s); seventy (70) months as to count three (3s); seventy (70) months as to count four (4s); seventy (70) months as to count five (5s); seventy (70) months as to count six (6s); seventy (70) months as to count seven (7s); seventy (70) months as to count eight (8s); twenty four (24) months as to count nine (9s); twenty four (24) months as to count ten (10s); twenty four (24) months as to count eleven (11s); twenty four (24) months as to count twelve (12s); seventy (70) months as to count thirteen (13s); seventy (70) months as to count fourteen (14s); thirty six (36) months as to count fifteen (15s); and thirty six (36) months as to count sixteen (16s). Counts One (1s), Two (2s), Three (3s), Four (4s), Five (5s), Six (6s), Seven (7s), Eight (8s), Eleven (11s), Twelve (12s), Thirteen (13s), Fourteen (14s), Fifteen (15s), Sixteen (16s) are to run concurrently with each other and consecutive to counts Nine (9s) and Ten (10s). Counts Nine (9s) and Ten (10s) are to run consecutive to each other with credit for time served while in custody for this federal offense pursuant to 18 U.S.C. § 3585(b).

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

- 1) That the defendant be placed at the facility located in Bastrop, Texas
- 2) That the defendant participate in educational/vocational programs while in custody
- 3) That the defendant participate in mental health treatment while in custody

The defendant shall remain in custody pending service of sentence.

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: BRADLEY LANE CROFT
CASE NUMBER: 5:18-CR-00603-DAE(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release a total term of **three (3) years**. This total term consists of three (3) years as to count one (1s); three (3) years as to count two (2s); three (3) years as to count three (3s); three (3) years as to count four (4s); three (3) years as to count five (5s); three (3) years as to count six (6s); three (3) years as to count seven (7s); three (3) years as to count eight (8s); one (1) year as to count nine (9s); one (1) year as to count ten (10s); one (1) year as to count eleven (11s); one (1) year as to count twelve (12s); three (3) years as to count thirteen (13s); three (3) years as to count fourteen (14s); one (1) year as to count fifteen (15s); and one (1) year as to count sixteen (16s). All counts are to run concurrently.

While on supervised release the defendant shall comply with the mandatory, standard and if applicable, the special conditions that have been adopted by this Court, and shall comply with the following additional conditions:

- 1) The defendant shall provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.
- 2) The defendant shall reside in a residential re-entry center for a term of 120 days. The defendant shall follow the rules and regulations of the center.

DEFENDANT: BRADLEY LANE CROFT
CASE NUMBER: 5:18-CR-00603-DAE(1)

CONDITIONS OF SUPERVISION

Mandatory Conditions:

1. The defendant shall not commit another federal, state, or local crime during the term of supervision.
2. The defendant shall not unlawfully possess a controlled substance.
3. 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 on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court), but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.
4. The defendant shall cooperate in the collection of DNA as instructed by the probation officer, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. § 14135a).
5. If applicable, the defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et. seq.*) as instructed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which the defendant resides, works, is a student, or was convicted of a qualifying offense.
6. If convicted of a domestic violence crime as defined in 18 U.S.C. § 3561(b), the defendant shall participate in an approved program for domestic violence.
7. If the judgment imposes restitution, the defendant shall pay the ordered restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. (*if applicable*)
8. The defendant shall pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If the judgment imposes a fine, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of the judgment.
10. The defendant shall notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines or special assessments.

Standard Conditions:

- 1) The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within seventy-two (72) hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- 2) After initially report to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.
- 3) The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.
- 4) The defendant shall answer truthfully the questions asked by the probation officer.
- 5) The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least ten (10) days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within seventy-two (72) hours of becoming aware of a change or expected change.
- 6) The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that are observed in plain view..
- 7) The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment, he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her work (such as the position or job responsibilities), the defendant shall notify the probation officer at least ten (10) days before the change. If notifying the probation officer at least ten (10) days in advance is

DEFENDANT: BRADLEY LANE CROFT
CASE NUMBER: 5:18-CR-00603-DAE(1)

not possible due to unanticipated circumstances, the defendant shall notify the probation officer within seventy-two (72) hours of becoming aware of a change or expected change.

- 8) The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within seventy-two (72) hours.
- 10) The defendant shall 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) The defendant shall 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 the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk.
- 13) The defendant shall follow the instructions of the probation officer related to the conditions of supervision.
- 14) If the judgment imposes other criminal monetary penalties, it is a condition of supervision that the defendant pays such penalties in accordance with the Schedule of Payments sheet of the judgment.
- 15) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall provide the probation officer access to any requested financial information.
- 16) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with the payment schedule.
- 17) If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally re-enter the United States. If the defendant is released from confinement or not deported, or lawfully re-enters the United States during the term of probation or supervised release, the defendant shall immediately report to the nearest U.S. Probation Officer.

DEFENDANT: BRADLEY LANE CROFT
CASE NUMBER: 5:18-CR-00603-DAE(1)

CRIMINAL MONETARY PENALTIES/SCHEDULE

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth. Unless the Court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. Criminal Monetary Penalties, except those payments made through Federal Bureau of Prisons' Inmate Financial Responsibility Program shall be paid through the Clerk, United States District Court, 655 E. Cesar E. Chavez Blvd, Room G65, San Antonio, TX 78206. The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$1,600.00	\$.00	\$1,506,758.31

SPECIAL ASSESSMENT

It is ordered that the defendant shall pay to the United States a total special assessment of \$1,600.00. This total sum consists of \$100.00 as to each count. Payment of this sum shall begin immediately.

FINE

The fine is waived because of the defendant's inability to pay.

RESTITUTION

The defendant shall pay restitution in the amount of \$1,506,758.31 through the Clerk, U.S. District Court, for distribution to the payee(s). Payment of this sum shall begin immediately.

The Court directs the United States Probation Office to provide personal identifier information of victims by submitting a "reference list" under seal Pursuant to E-Government Act of 2002" to the District Clerk within ten (10) days after the criminal Judgment has been entered.

Name of Payee

Amount of Restitution

1) Aaron John Barry	\$21,970.46
2) Aaron Villarreal	\$6,500.00
3) Andres Torres-Chavez	\$12,500.00
4) Andrew James Poe	\$6,500.00
5) Andrew Jay Griesel	\$13,010.34
6) Andrew John Schmidt	\$3,250.00
7) Andrew Marshall Roberson	\$6,500.00
8) Andrew Shawn Nix	\$6,500.00
9) Andrew Spencer Nolin	\$6,500.00
10) Anthony D Smith	\$6,500.00
11) Anthony E Bowling	\$6,500.00
12) Anthony Kenneth Esposito	\$6,500.00
13) Antonio E Dehoyos	\$3,900.00
14) Benjamin J Struchko	\$6,500.00
15) Bert W Whittington III	\$6,500.00
16) Billy J Wright	\$4,550.00
17) Bobby E Stone	\$6,500.00
18) Brandon David Tice	\$6,500.00
19) Brian K Reyes	\$9,100.00
20) Brian Lee Thomas	\$6,500.00
21) Briana J Redulla	\$6,500.00
22) Casimiro Perez	\$19,000.00

AO 245B (Rev. TXW 10/12) Judgment in a Criminal Case

Judgment -- Page 8 of 11

DEFENDANT: BRADLEY LANE CROFT
CASE NUMBER: 5:18-CR-00603-DAE(1)

23) Chad Christopher Hillier	\$5,200.00
24) Charles Adam Taylor	\$3,250.00
25) Charles Christopher Bond	\$6,500.00
26) Christopher Bradley	\$6,500.00
27) Christopher G Gilman	\$11,400.00
28) Christopher Robin Wright	\$6,500.00
29) Christopher Ryan White	\$6,500.00
30) Christopher W Wallace	\$8,233.33
31) Clinton P Robinson	\$6,500.00
32) Cole J Wilson	\$6,500.00
33) Craig Alan Lewis	\$6,500.00
34) Daniel A Lee	\$6,500.00
35) Daniel A Stasson	\$6,500.00
36) Daniel E Kaufman	\$6,500.00
37) Daniel J Torres	\$12,500.00
38) Daniel James Witts	\$5,923.63
39) Daniel Jerron Smith	\$6,500.00
40) Daniel Mark Summers	\$6,500.00
41) Daniel P Miller	\$19,000.00
42) Daniel Ray Jones	\$3,900.00
43) Danny Clyde Williamson	\$6,500.00
44) David B Barker	\$5,200.00
45) David C Williamson	\$6,500.00
46) David P Sheridan	\$12,500.00
47) Derek Bruce Dennis	\$6,500.00
48) Derek Ruben Cuenca	\$18,167.92
49) Desmond Carey Burton	\$25,500.00
50) Dianne Marie Andrade	\$19,000.00
51) Donald Brian Knowles	\$6,500.00
52) Donnell Drail Nelson	\$19,000.00
53) Drake A Gleason	\$25,500.00
54) Eddie Cruz	\$3,900.00
55) Eric J Ramos	\$11,250.00
56) Ernest Ronald Mcmicheal	\$3,900.00
57) Fabian A Alban Montalvo	\$6,500.00
58) Franklin Dale Stracener	\$6,600.00
59) Gabriel Lopez	\$25,500.00
60) Gerald R Schlosser	\$6,500.00
61) Guy E Bender	\$2,800.00
62) Hector Manuel Mendoza	\$19,000.00
63) Ian Jacob Dillard	\$6,500.00
64) Ismael E Rodriguez Fradera	\$6,500.00
65) Israel P Guidry	\$3,900.00
66) James P Easley	\$19,000.00
67) James T Gilchrist	\$6,500.00
68) Jason Lee Smith	\$6,500.00
69) Jason Michael Merritt	\$6,500.00
70) Jason P Jantke	\$6,500.00
71) Javario J Savannah	\$6,500.00
72) Jaylen Markell Mayfield	\$6,500.00
73) Jeffrey Marshall Pulford	\$6,500.00
74) Jeremy D Henemyer	\$6,500.00
75) Jermaine Z Edwards	\$19,000.00
76) Jesse Robert Bullinger	\$17,100.00

DEFENDANT: BRADLEY LANE CROFT
CASE NUMBER: 5:18-CR-00603-DAE(1)

77) Jimmy Danny Friesenhahn	\$19,000.00
78) Jimmy Ray Skinner	\$5,200.00
79) Joel Tyler Richardson	\$6,500.00
80) Joey Wayne Burnett	\$4,550.00
81) John W Staffinski	\$5,200.00
82) Jonathan D Warren	\$18,244.27
83) Jonathan Patrick Evans	\$6,500.00
84) Jonathan Perez Marnon	\$19,000.00
85) Jonathan Vincent Desmarais	\$3,900.00
86) Jose F Cavazos	\$10,935.46
87) Jose Marcelo Orantes	\$6,500.00
88) Jose Raul Sierra Rivera	\$11,941.30
89) Joshua Marti	\$19,000.00
90) Joshua Bryant Lawson	\$4,550.00
91) Joshua Dane Bowen	\$6,500.00
92) Joshua J Bujalski	\$6,500.00
93) Juis R Vela	\$6,500.00
94) Julio Santos Hernandez	\$6,500.00
95) Julio D Pacora	\$19,000.00
96) Justin Rockwell	\$18,000.00
97) Kelly C Bennett	\$6,500.00
98) Kody Ray Russell	\$6,500.00
99) Kyle Edward Halsey	\$5,200.00
100) Lance Daniel Biddle	\$6,500.00
101) Landon D Thigpen	\$5,850.00
102) Leland B Kidd	\$19,000.00
103) Lucas Dean English	\$6,500.00
104) Luis Roman Parra	\$13,000.00
105) Mark Allen Eaker	\$19,000.00
106) Marques T Wise	\$5,568.30
107) Marz A Macahia	\$19,000.00
108) Matthew Boone Price	\$5,200.00
109) Maxie Gwinn Joye	\$3,900.00
110) Michael G Graham	\$19,000.00
111) Michael Lloyd Lawson	\$6,500.00
112) Micheal Arron Garcia	\$5,958.33
113) Miguel Angel Chavez	\$18,987.50
114) Neftali Mendoza	\$6,500.00
115) Nicholas Harvey	\$6,500.00
116) Nicole J Sanchez	\$19,000.00
117) Nikolaus O Love	\$3,495.46
118) Pamela Molina	\$11,250.00
119) Patrick Luczak	\$6,500.00
120) Patrick David Coumbes	\$6,500.00
121) Paul John Edelman	\$6,500.00
122) Raeford D Carr	\$6,500.00
123) Raul Cabrera	\$17,700.00
124) Richard C Eder	\$6,500.00
125) Richard Keith Coborn	\$6,500.00
126) Richard Lee Stith	\$12,000.00
127) Richard Paul Riccardi	\$2,166.67
128) Richard T Gray	\$6,500.00

AO 245B (Rev. TXW 10/12) Judgment in a Criminal Case

Judgment -- Page 10 of 11

DEFENDANT: BRADLEY LANE CROFT
CASE NUMBER: 5:18-CR-00603-DAE(1)

129)	Rick M Bakeman	\$13,000.00
130)	Robert Dewayne Ruble	\$13,000.00
131)	Robert Douglas Fisk	\$6,500.00
132)	Robert F. Raya	\$6,500.00
133)	RodneyBryan Dickenson	\$6,500.00
134)	Rodney E Beck II	\$6,500.00
135)	Roert Lee Colvin Jr	\$3,900.00
136)	Roger C Ringer Jr	\$6,500.00
137)	Ronald Eugene Howell	\$6,500.00
138)	Ryan J Hernandez	\$6,500.00
139)	Ryan Z Stewart	\$19,000.00
140)	Samual Naylan White	\$12,500.00
141)	Samuel Robert Gassner	\$6,500.00
142)	Scott J McGonigal	\$6,500.00
143)	Scott Lee Born	\$6,500.00
144)	Shaun D Cabral	\$6,500.00
145)	Spencer M Rankin	\$6,500.00
146)	Stephanie C Smith	\$6,500.00
147)	Stephen C Dugat	\$6,500.00
148)	Steven Craig Johnson	\$6,500.00
149)	Tanner Joseph Pierce	\$6,500.00
150)	Tarik K Elkhatab	\$19,000.00
151)	Thomas C Fenton	\$6,500.00
152)	Thomas C Patterson	\$6,500.00
153)	Tiffani C Daniels	\$22,805.34
154)	Timothy B McDaniel	\$5,850.00
155)	Timothy D Sloan	\$6,500.00
156)	Timothy John Gratz	\$5,850.00
157)	Todd Alan ADKINS	\$6,500.00
158)	Todd AllenWayne Davis	\$4,550.00
159)	Trevor Wayne Dew	\$6,500.00
160)	Tyler R Underwood	\$6,500.00
161)	Vincent Robert Genosa	\$6,500.00
162)	Walter R Gunn	\$6,500.00
163)	William E Corser	\$6,500.00
164)	William JOHN Herbert	\$19,000.00
165)	Zachariah J Steinberg	\$19,000.00

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 above. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. §3614.

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

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

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: BRADLEY LANE CROFT
CASE NUMBER: 5:18-CR-00603-DAE(1)

FORFEITURE

The defendant is ordered to forfeit the following property to the United States:

- 1) 2017 American Eagle 45T Motorhome, VIN: 4UZFCGBG9HCJB052;
- 2) 2018 Ford F-150 King Ranch Lariat, VIN: 1FTEW1EG7JFB8460;
- 3) 2017 Dodge Ram Laramie, VIN 1C6RR7NTXHS832445;
- 4) 2016 Yamaha Super Jet Ski, Hull No.: YAMH0007D616;
- 5) 2009 Yamaha Waverunner Jet Ski, Hull No.: YAMA3976I809;
- 6) 2012 Rocket International Trailer, VIN: 4YBAB2026CF005447;
- 7) \$134,415.64, More or Less, in United States Currency seized from Wells Fargo Account #XXXXXXX 1730 in the name UNIVERSAL K NINE seized on 8/8/18;
- 8) \$4,372.00, More or Less, in United States Currency;
- 9) \$98,900.00, More or Less, in United States Currency seized from Wells Fargo Account #XXXXXXX1730 in the name UNIVERSAL K NINE seized on 11/29/18;
- 10) \$6,510.09, More or Less, in United States Currency seized from Wells Fargo Account #XXXXXXX1730 in the name UNIVERSAL K NINE seized on 11/29/18,

Real Property

Real Property located and situated at 15329 Tradesman, San Antonio, Bexar County, Texas, with all buildings, ppurtenances, and improvements thereon and any and all surface and subsurface rights, title, and interests, if any, and being more fully described as follows:

LOT 15, BLOCK 2, NEW CITY BLOCK 14846, TRADESMAN NORTH INDUSTRIAL SUBDIVISION UNIT 1,
IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT
THEREOF RECORDED IN VOLUME 6200, PAGE 129, DEED AND PLAT RECORDS, BEXAR COUNTY,
TEXAS

MONEY JUDGMENT

Money Judgment: A sum of money equal to One Million Three Hundred Thousand Dollars (\$1,300,000.00) which represents the value of the proceeds traceable to and property involved in the violations for which the Defendant was found guilty and for which the Defendant is liable.