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APPENDIX A

AO 245C (Mod. D/NJ 12/06) Sheet 1 - Amended Judgment in a Criminal Case

UNITED STATES DISTRICT COURT
District of New Jersey

RECEIVED
MAR 29 2016
AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

UNITED STATES OF AMERICA

v.

MARIJAN CVJETICANIN

Defendant.

Case Number 3:14-CR-274-01 (MAS)

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

Date of Original Judgment: 2/23/16
Reason for Amendment: Modification of Restitution Order (18 U.S.C. § 3664)

The defendant, MARIJAN CVJETICANIN, was represented by Lorraine Gauli-Rufo, CJA and Thomas Ambrosio, CJA.

The defendant was found guilty on counts 1ss-9ss by a jury verdict on 6/29/15 after a plea of not guilty. All previous counts of the original indictment (counts 1-6) and superseding indictment (counts 1s-12s) are dismissed. Accordingly, the court has adjudicated that the defendant is guilty of the following offense:

Title & Section	Nature of Offense	Date of Offense	Count Numbers
18:1341 & 2	MAIL FRAUD	9/2010-7/2012	1ss-9ss

As pronounced on 2/18/16, the defendant is sentenced as provided in pages 2 through 7 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of $900, for counts 1ss-9ss ($100 on each count), which shall be due immediately. Said special assessment shall be made payable to the Clerk, U.S. District Court.

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 shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 28th day of March, 2016.

MAShipp

MICHAEL A. SHIPP
United States District Judge

11780

Defendant: MARIJAN CVJETICANIN
Case Number: 3:14-CR-274-01

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 57 Months on each of counts 1ss through 9ss, to be served concurrently.

The Court makes the following recommendations to the Bureau of Prisons: Designate a facility for service of this sentence as near as possible to the defendant's home address.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons on Date and Time to be determined by the Bureau of Prisons.

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 Marshal

Defendant: MARIJAN CVJETICANIN
Case Number: 3:14-CR-274-01

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years on each of counts 1ss through 9ss, all such terms to run concurrently.

Within 72 hours of release from custody of the Bureau of Prisons, the defendant shall report in person to the Probation Office in the district to which the defendant is released.

While on supervised release, the defendant shall comply with the standard conditions that have been adopted by this court as set forth below.

Based on information presented, the defendant is excused from the mandatory drug testing provision, however, may be requested to submit to drug testing during the period of supervision if the probation officer determines a risk of substance abuse.

If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remains unpaid at the commencement of the term of supervised release and shall comply with the following special conditions:

NEW DEBT RESTRICTIONS

You are prohibited from incurring any new credit charges, opening additional lines of credit, or incurring any new monetary loan, obligation, or debt, by whatever name known, without the approval of the U.S. Probation Office. You shall not encumber or liquidate interest in any assets unless it is in direct service of the fine and/or restitution obligation or otherwise has the expressed approval of the Court.

SELF-EMPLOYMENT/BUSINESS DISCLOSURE

You shall cooperate with the U.S. Probation Office in the investigation and approval of any position of self-employment, including any independent, entrepreneurial, or freelance employment or business activity. If approved for self-employment, you shall provide the U.S. Probation Office with full disclosure of your self-employment and other business records, including, but not limited to, all of the records identified in the Probation Form 48F (Request for Self Employment Records), or as otherwise requested by the U.S. Probation Office.

STANDARD CONDITIONS OF SUPERVISED RELEASE

While the defendant is on supervised release pursuant to this Judgment:

1) The defendant shall not commit another federal, state, or local crime during the term of supervision.

2) The defendant shall not illegally possess a controlled substance.

3) If convicted of a felony offense, the defendant shall not possess a firearm or destructive device.

4) The defendant shall not leave the judicial district without the permission of the court or probation officer.

5) The defendant shall report to the probation officer in a manner and frequency directed by the Court or probation officer.

6) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

7) The defendant shall support his or her dependents and meet other family responsibilities.

8) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.

9) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.

10) 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.

11) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.

12) 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.

13) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.

14) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

15) 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.

16) 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.

(17) You shall cooperate in the collection of DNA as directed by the Probation Officer.

(This standard condition would apply when the current offense or a prior federal offense is either a felony, any offense under Chapter 109A of Title 18 (i.e., §§ 2241-2248, any crime of violence [as defined in 18 U.S.C. § 16], any attempt or conspiracy to commit the above, an offense under the Uniform Code of Military Justice for which a sentence of confinement of more than one year may be imposed, or any other offense under the Uniform Code that is comparable to a qualifying federal offense);

(18) Upon request, you shall provide the U.S. Probation Office with full disclosure of your financial records, including co-mingled income, expenses, assets and liabilities, to include yearly income tax returns. With the exception of the financial accounts reported and noted within the presentence report, you are prohibited from maintaining and/or opening any additional individual and/or joint checking, savings, or other financial accounts, for either personal or business purposes, without the knowledge

and approval of the U.S. Probation Office. You shall cooperate with the Probation Officer in the investigation of your financial dealings and shall provide truthful monthly statements of your income. You shall cooperate in the signing of any necessary authorization to release information forms permitting the U.S. Probation Office access to your financial information and records;

(19) As directed by the U.S. Probation Office, you shall participate in and complete any educational, vocational, cognitive or any other enrichment program offered by the U.S. Probation Office or any outside agency or establishment while under supervision;

(20) You shall not operate any motor vehicle without a valid driver's license issued by the State of New Jersey, or in the state in which you are supervised. You shall comply with all motor vehicle laws and ordinances and must report all motor vehicle infractions (including any court appearances) within 72 hours to the U.S. Probation Office;

For Official Use Only - - - U.S. Probation Office

Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision or (2) extend the term of supervision and/or modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions, and have been provided a copy of them.

You shall carry out all rules, in addition to the above, as prescribed by the Chief U.S. Probation Officer, or any of his associate Probation Officers.

(Signed) ______________________________________
Defendant Date

____
U.S. Probation Officer/Designated Witness Date

Defendant: MARIJAN CVJETICANIN
Case Number: 3:14-CR-274-01

RESTITUTION

The defendant shall make restitution in the total amount of $1,254,163.36. The Court will waive the interest requirement in this case. Payments should be made payable to the **U.S. Treasury** and mailed to Clerk, U.S.D.C., 402 East State Street, Rm 2020, Trenton, New Jersey 08608, for proportionate distribution to the following victims in the following amounts:

Name of Payee (Victim)	Amount of Restitution
Automatic Data Processing c/o David Turetsky 1 ADP Boulevard, MS 325 Roseland, NJ 07068	$482,660
Broadridge Financial Solutions, Inc. c/o Mark DiGidio 2 Journal Square Plaza Jersey City, NJ 07306	$186,317
Liberty International Underwriters c/o Charles S. Levine 55 Water Street New York, NY 10041	$120,186.36
Wildes & Weinberg, P.C. c/o Steven L. Weinberg 515 Madison Avenue, 6^{th} Fl. New York, NY 10022	$465,000

The restitution is due immediately. It is recommended that the Defendant participate in the Bureau of Prisons Inmate Financial Responsibility Program (IFRP). If Defendant participates in the IFRP, the restitution shall be paid from those funds at a rate equivalent to $25 every 3 months. In the event the entire restitution is not paid prior to the commencement of supervision, the Defendant shall satisfy the amount due in monthly installments of no less than $1,000, to commence 30 days after release from confinement.

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.

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.

RESTITUTION AND FORFEITURE

FORFEITURE

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

Please see judgment and order of forfeiture entered on 2/19/16.

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.

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.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

MARIJAN CVJETICANIN

Criminal Action No. 14-274 (MAS)

ORDER

This matter comes before the Court on Defendant Marijan Cvjeticanin's ("Defendant") Motion for Release Pending Appeal pursuant to 18 U.S.C. § 3143(b)(1), which Defendant filed on July 8, 2016. (ECF No. 131.) The United States of America opposed on July 26, 2016. (ECF No. 133.) Defendant replied on August 1, 2016. (ECF No. 134.) That same day, Defendant also filed a Motion to Strike Government's Response as Untimely. (ECF No. 135.) On August 25, 2016, Defendant filed a Motion for Expedited Decision on his Motion for Release Pending Appeal. (ECF No. 136.) On September 28, 2016, Defendant filed a second Motion for Expedited Decision. (ECF No. 138.)

The Court, having carefully considered the parties' submissions, decides the matter without oral argument. For the reasons set forth in the Court's Memorandum Opinion, and for other good cause shown,

IT IS on this 27th day of January 2017, **ORDERED** that:

1. Defendant's Motion for Release Pending Appeal (ECF No. 131) is **DENIED.**
2. Defendant's Motion to Strike Government's Response as Untimely (ECF No. 135) is **DENIED.**
3. Defendant's Motion for Expedited Decision (ECF No. 136) is **DENIED.**
4. Defendant's second Motion for Expedited Decision (ECF No. 138) is **DENIED.**

5. As the Court's Memorandum Opinion references sealed documents, the Court files the Memorandum Opinion **UNDER TEMPORARY SEAL**. The parties shall have **fourteen days** from the date of this Order, by **February 10, 2017**, to electronically file a motion to seal or otherwise restrict access that complies with Local Civil Rule 5.3(c).[1] After **February 10, 2017**, if the parties have not filed a motion that complies with Local Civil Rule 5.3(c), the Court will issue an order unsealing the Memorandum Opinion.

MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

[1] Local Civil Rule 5.3(c) was amended effective as of September 30, 2016.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 16-1422

UNITED STATES OF AMERICA

v.

MARIJAN CVJETICANIN,
Appellant

D.N.J. No. 14-cr-00274-001

SUR PETITION FOR REHEARING

Present: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN, HARDIMAN, GREENAWAY, JR., VANASKIE, KRAUSE, RESTREPO, COWEN* and FUENTES*, Circuit Judges

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

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* Judges Cowen and Fuentes vote is limited to panel rehearing

BY THE COURT,

s/ Theodore A. McKee
Circuit Judge

Dated: October 3, 2017
sb/cc: Mark E. Coyne, Esq.
John F. Romano, Esq.
Lorraine S. Gaulie-Rufo, Esq.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

October 6, 2017

No. 16-1422

UNITED STATES OF AMERICA

v.

MARIJAN CVJETICANIN,
Appellant

(D.N.J. No. 3-14-cr-00274-001)

Present: MCKEE, COWEN and FUENTES, Circuit Judges

1. Motion filed by Appellant Marijan Cvjeticanin, Pro Se, to Stay Mandate Pending the Filing of a Writ of Certiorari, for Leave of Court to Accept the Motion to Stay the Mandate Out of Time, with Request for Immediate Release Pending the Writ of Certiorari.

Respectfully,
Clerk/JK

ORDER

The foregoing motion is denied.

By the Court,

s/ Theodore McKee
Circuit Judge

Dated: November 14, 2017
CLW/JK/cc: Marijan Cvjeticanin
Lorraine S. Gauli-Rufo, Esq.
Mark E. Coyne, Esq.
John F. Romano, Esq.