

UNITED STATES DISTRICT COURT
District of New Jersey

UNITED STATES OF AMERICA

v.

SAMUEL HAWK

Defendant.

Case Number 3:14CR128(JAP)-01

RECEIVED
FEB -2 2015
AT 8:30
WILLIAM T. WALSH
CLERK

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

Date of Original Judgment: 01-14-2015

Reason for Amendment: Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

The defendant, SAMUEL HAWK, was represented by David Rudenstein, Esquire (CJA Appointed).

On motion of the United States the court has dismissed count(s) 2 - 4.

The defendant pled guilty to count(s) 1 of the Indictment on 05-28-2014. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>	<u>Count Number(s)</u>
18 U.S.C. SECTION 1349 [18 U.S.C. SECTION 1343]	CONSPIRACY TO COMMIT WIRE & MAIL FRAUD	FROM IN OR AROUND AT LEAST 02-2007 TO IN OR AROUND AT LEAST 07-2009	ONE

As pronounced on 01-13-2015, 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 \$100.00, for count(s) 1, 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 30th day of January, 2015.

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JOEL A. PISANO
United States District Judge

AT 8:30
WILLIAM T. WALSH
CLERK

Defendant: SAMUEL HAWK
Case Number: 3:14CR128(JAP)-01

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 55 Months.

The Court makes the following recommendations to the Bureau of Prisons: Defendant designated to a facility geographically near his immediate family, but one that will incorporate his lack of hearing.

Further ordered that the defendant's statement [Exhibit J-1] be attached to the judgment.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons at 9:00 a.m. on February 6, 2015.

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: SAMUEL HAWK
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 3 years.

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:

MENTAL HEALTH TREATMENT

You shall undergo treatment in a mental health program approved by the United States Probation Office until discharged by the Court. As necessary, said treatment may also encompass treatment for gambling, domestic violence and/or anger management, as approved by the United States Probation Office, until discharged by the Court. The Probation Officer shall supervise your compliance with this condition.

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.

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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

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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

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RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the amount of \$18,987,188.00. 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 distribution to "Jay Keithley," Federal Communications Commission, 445-12th Street SW, Washington, DC 20552-0004, ATTN: Jay Keithley, Special Assistant OIG. The amount ordered represents the total amount due to the victim for this loss. The defendant's restitution obligation shall not be affected by any restitution payments made by other defendants in this case, except that no further payments shall be required after the sum of the amounts actually paid by all defendants has fully satisfied this loss. The following defendant(s) in the following case(s) may be subject to restitution orders to the same victim for this same loss:

Bryce Chapman	Cr. No.: 3:14CR128-02
Bridget Bonheyo	Cr. No.: 3:11CR861-01
Jerome Bonheyo	Cr. No.: 3:11CR861-02

The restitution is due immediately. It is recommended that the defendant participate in the Bureau of Prisons Inmate Financial Responsibility Program (IFRP). If the 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 \$200.00, 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.

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RESTITUTION AND FORFEITURE

FORFEITURE

The defendant is ordered to forfeit the following property to the United States: \$18,987,188.00.

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.

J-1
1/17/15


I'm sorry.

I'm sorry, the rate-payers of the Interstate Telecommunications Relay Service fund.

I'm sorry, the government of the United States of America.

I'm sorry, your honor.

I'm sorry for my wife.

I'm sorry for my child.

I'm sorry for my mother.

I'm sorry for my family.

I'm sorry for my friends.

I'm sorry for my congregation at Rodeph Shalom.

I'm sorry for deaf people.

I'm sorry for organizations that work with deaf people.

I'm sorry for everything.

When I set out to change the world, it was to integrate deaf people in the workplace. It was the dream of a perfect world: employers enthusiastic about hiring people with disabilities who utilize resources that do not create additional burden on the company. It was the answer, or so I thought, to how to include people with disabilities in the labor force of an industrial nation that went from 70 percent manufacturing to 70 percent service in a single generation.

Being deaf myself, having deaf parents and growing up in the deaf community, I've always been acutely attuned to the various forms of discrimination that exist among different facets of society including family --- we are the only social group in which the majority of parents do not use or learn the language of the child. I was blessed to have my mother who always signed with me, and family that were willing to engage in lengthy written conversations with me even before my age reached the double digits. This unique experience allowed me to develop both sign language and English literacy skills. I felt, and I still do, a responsibility to give back to the two communities that raised me and to connect the two.

My success as an integrated deaf person is an illusion however. I still find it so much easier to use sign language and the hearing person to hear and speak. There are three components that must be present for communication to occur between the deaf and the hearing: communication tool or resource, a conducive setting, and willing party. Resources go beyond the traditional sign language interpreting and I use on daily basis all of these: text, email, paper-and-pen, Internet and Apps. Even with the resources in hand, the hearing person and I often have to step back from the world and sit down to communicate. This limits the time and place, the setting, for communication before we even factor in whether the hearing person would be willing to try alternatives to speech -- a vast majority of hearing people just freezes upon seeing a deaf person.

I believe this is why I was especially ambitious about exploring ways for connections between deaf and hearing and this was the source of my increased tolerance for potential of misuse of video relay service. I would not fault the deaf person and instead focus on ways to enthruse that deaf person to maximize the benefit of video relay service as a communication resource. I still believe in the potential of video relay service to serve as a great equalizer.

However, I am fully aware of the damages I have caused the industry and have resigned myself to watching from the sidelines for several years now.

Your honor, I have little interest in arguing the complicated truths of the acts described by the government. I must take responsibility for them. I take responsibility for all of my actions, good and malformed, and I take responsibility for all actions of my contractors, good and malformed.

I'm not a perfect man. I have made many mistakes with and beyond the instant matter before us today and I will continue to make mistakes. I try to make amends and I am not always successful. In spite of this, I believe I am a good man... a kind man. I feel for others. I believe in others. I desire the best for others. I take responsibility for others.

I love my wife and child very much. I am a good husband and father though I could improve. For my wife, I would like to be better at sending little mementos of affection and to be more patient for my son. We are a tight-knit family and maintain a traditional household as much as possible. The most significant exception would be that I have functioned as the homemaker and my wife the breadwinner since all this began in 2009. This is the one thing I have been immensely thankful for, that I got to be a central figure for my son and available to him at all times right when he started Kindergarten.

My mother is a part of our family. Though she doesn't join us on many of what she call our adventures, she has dinner with us every Monday. She's a healthy woman today though she recovered from uterine cancer a few years back and has had breast tumors

many times. At her age and with her family medical history, it is a certainty that something is coming; however, we are committed to maximizing the gift of the present.

I'm grateful for my in-laws. I am always inspired by the fact that Jose was brave enough to leave his native Peru to make a better life for himself in New York and the courage of Matilde to follow him and make a family here. Melissa's younger brother, Raul, still lives at home and had an accident as a child that left one side paralyzed.

Everyone in both families are deaf and, in addition to the standard family challenges, struggle with English. I function as the de facto translator for the family even when sign language interpreting is provided and often times take on the role of an advocate or case manager. When my father-in-law had prostate cancer, I commuted to New York for his appointments as I did when Matilde stayed in the hospital for three weeks with pancreatitis.

Beyond the black wall of today, I hope the future holds additional kindness. I would love to finish out my role as the primary caretaker for Etzio. I've written in-depth about my relationship with him in blurbs on Facebook, I've been thinking about transforming these to a book --- supporting fathers who find themselves in a similar role. There continues to be a real dearth of of children's sign language educational resources and that is something I have also been looking into developing. I am certain to continue contributing to the deaf community, as I have all my life, but the manner and capacity in which that would be possible is murky at this point.

I'm sorry.