

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

United States of America,

No. 17-cr-20689

Plaintiff,

Hon. Robert H. Cleland

v.

D-1 Konrads Voits,

Offense:

18 U. S. C. §§ 1030(a)(5)(A); (c)(4)(B)
Damaging Protected Computer

Defendant.

Maximum Penalty:

10 years

Maximum Fine:

Not to exceed \$250,000

Supervised Release:

1 to 3 years

Rule 11 Plea Agreement

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, defendant
Konrads Voits and the government agree as follows:

1. Guilty Plea

A. Count(s) of Conviction

Defendant will enter a plea of guilty to Count One of the Information, which charges him with damaging a protected computer, in violation of 18 U. S. C. §§ 1030(a)(5)(A) and (c)(4)(B).

B. Elements of Offense

The elements of Count One are as follows:

First: That the Defendant, through means of a computer used in interstate commerce or communications, knowingly caused the transmission of a program, information, code or command to another computer or computer system, as charged;

Second: That the Defendant, by causing the transmission, intended to damage the receiving computer, computer system, information, data or program;

Third: That the Defendant so acted without the authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code or command; and

Fourth: That the Defendant's acts caused loss during a 1-year period from the defendant's course of conduct affecting protected computers aggregating at least \$5,000 in value, or a threat to public health and

safety.

The term “computer” means an electric, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device.

C. Factual Basis for Guilty Plea

The following facts are a sufficient and accurate basis for defendant’s guilty plea(s):

From approximately January 24, 2017, through March 10, 2017, within the Eastern District of Michigan, and elsewhere, the defendant, KONRADS VOITS, knowingly caused the transmission of a program, information, code, and command, and, as a result of such conduct, intentionally caused damage without authorization to a protected computer, and the offense caused a threat to public health and safety, in violation of Sections 1030(a)(5)(A) and (c)(4)(B) of Title 18 of the United States Code.

It was part of the plan to cause damage to a protected computer that VOITS, on January 24, 2017, registered the domain name of ewashtenavv.org, utilizing two “v”s to make it look to a computer user to be a “w” and, therefore, appear to be the legitimate domain name for the County.

Subsequently, between February 14-16, 2017, VOITS sent emails to County employees falsely representing that he was a "Daniel Greene" and that he needed help with some court records. Between February 20-22, 2017, VOITS called County employees over the phone, falsely representing that he was either "T.L." or "A.B.", actual County Information Technology (IT) employees. During these email communications and phone conversations, VOITS attempted to get the County employee to click on a hyperlink which connected to the fraudulent website containing malware, or informed the County employee that he needed the employee to type a domain name into his/her browser, for the purpose of downloading an executable file (a file that contains a program that is capable of being executed or run as a program in the receiving computer) to supposedly "upgrade the County's jail system." Some County employees followed the directions. Voits also obtained remote login information for a County employee. Through use of the information obtained through these activities, Voits installed malware on the County's network.

The computers involved were used in or affected interstate commerce or communications.

Through the installation and use of this malware, VOITS was able to gain full access to the County network, including access to sensitive County records such as the XJail system (the computer program used to monitor and track inmates in the County Jail), search warrant affidavits, internal discipline records, and County

employee personal information. Further, through his fraudulent misrepresentations and the subsequent installation and use of this malware, VOITS was able to obtain information, including passwords, usernames, emails, and other personal information of over 1600 County employees.

In or about March 2017, once he had full access to the County network, VOITS accessed the County Jail records of several inmates, altering the electronic records of at least one inmate housed in the County Jail in an effort to get that inmate released early.

Due to the fact that VOITS had full access to the County network, had obtained the credentials or personal information of over 1600 County employees, and that he had actually altered a County Jail inmate's records, he severely impaired the integrity of the County's electronic data. His conduct caused a threat to public health and safety in that, among other things, he attempted to get at least one County Jail inmate released. VOITS's intrusion compelled the County to hire an incident response company to determine the full extent of the breach, to reimage numerous compromised County hard drives, to verify the accuracy of the electronic records of nearly every then current County Jail inmate, and to attempt to reassure the 1600 County employees whose personal data had been compromised by purchasing an identity theft program for County employees. In responding to VOITS's breach, the County has incurred a loss of at least \$235,488.00.

2. **Sentencing Guidelines**

A. **Standard of Proof**

The Court will find sentencing factors by a preponderance of the evidence.

B. **Agreed Guideline Range**

There are no sentencing guideline disputes. Except as provided below, the Defendant's guideline range is **87 – 108 months**, as set forth on the attached worksheets. If the Court finds:

1. That defendant's criminal history category is higher than reflected on the attached worksheets, or
2. that the offense level should be higher because, after pleading guilty, defendant made any false statement to or withheld information from his probation officer; otherwise demonstrated a lack of acceptance of responsibility for his offense; or obstructed justice or committed any crime,

and if any such finding results in a guideline range higher than **87 – 108 months**, the higher guideline range becomes the **agreed range**. The Court is not bound by this recommendation concerning the guideline range, and the defendant understands that he will have no right to withdraw his guilty plea if the Court does not follow this recommendation. However, if the Court finds that defendant is a career

offender, an armed career criminal, or a repeat and dangerous sex offender as defined under the sentencing guidelines or other federal law, and that finding is not already reflected in the attached worksheets, this paragraph does not authorize a corresponding increase in the agreed range.

Neither party may take a position concerning the applicable guidelines that is different than any position of that party as reflected in the attached worksheets, except as necessary to the Court's determination regarding subsections 1) and 2), above.

3. Sentence

The Court will impose a sentence pursuant to 18 U.S.C. § 3553, and in doing so must consider the sentencing guideline range.

A. Imprisonment

Pursuant to Rule 11(c)(1)(B), the government makes a non-binding recommendation that the sentence of imprisonment be no more than the top of the sentencing guideline range as determined by Paragraph 2B.

B. Supervised Release

A term of supervised release follows the term of imprisonment. The Court must impose a term of supervised release of at least 1 year but not more than 3 years. The agreement concerning imprisonment described above in Paragraph 3A

does not apply to any term of imprisonment that result from any later revocation of supervised release.

C. Special Assessment

Defendant will pay a special assessment of \$100.00.

D. Fine

There is no agreement as to fines.

E. Restitution

The Court shall order restitution to every identifiable victim of defendant's offense and all other relevant conduct. The victim and the full amount of restitution in this case, is as follows: Washtenaw County, \$235,488.00.

F. Forfeiture

Defendant agrees to forfeit to the United States any personal property that was used or intended to be used to commit or to facilitate the commission of his violation of 18 U.S.C. § 1030(a)(5)(A) as alleged in the Information, pursuant to 18 U.S.C. § 1030(i), and any property, real or personal, constituting or derived from, any proceeds that defendant obtained, directly or indirectly, as a result of such violation, under 18 U.S.C. §§ 1030(i) and 982(a)(2)(B), and Fed.R.Crim.P.32.2 including but not limited to the following:

- Electronic Devices
 - 1 System 76 Laptop, Model Bonobo Ws & Power Charger, S/N 8G12SC078938
 - 1 Green Integrated Circuit Component, S/N Y21A2123

- 1 Coolpad Cellular Telephone, IMEI 861325037696712
- 1 Coolpad Cellular Telephone, IMEI 861325038381926
- 1 Alcatel Cellular Telephone, IMEI 014705003685649
- 1 iPhone Cellular Telephone, IMEI 013990003588321
- Bitcoin

Defendant also agrees to the entry of a personal money judgment against him in favor of the United States in the amount of proceeds he obtained or derived, directly or indirectly, from the offense.

Defendant agrees that the forfeiture money judgment may be satisfied, to whatever extent possible, from any property owned or under the control of defendant. To satisfy the money judgment, defendant explicitly agrees to the forfeiture of any assets he has now, or may later acquire, as substitute assets under 21 U.S.C. § 853(p)(2) and waives and relinquishes his rights to oppose the forfeiture of substitute assets under 21 U.S.C. § 853(p)(1) or otherwise.

Defendant agrees to the entry of one or more orders of forfeiture, including a Preliminary Order of Forfeiture, containing the forfeiture of the above referenced forfeitable property and a money judgment, upon application by the United States at, or any time before, his sentencing in this case. At least two weeks prior to the sentencing date, defendant agrees to sign such an order, indicating he consents to its entry if requested to do so by the Government. Defendant agrees that the forfeiture order will be final and effective as to him upon entry by the Court.

Defendant agrees to furnish a financial statement to the attorneys for the Government assigned to this case at least two weeks before the first date set for sentencing, which may be used in any lawful manner to collect the money judgment amount, and which may be disclosed to any agencies or personnel of the Government for that purpose. The financial statement shall disclose and list all assets, funds and property of any kind in which defendant has an interest, all liens and encumbrances against such assets, funds and property, and all of the defendant's liabilities. When submitted, the financial statement must be signed by the defendant under oath or as an unsworn declaration under penalty of perjury.

Defendant further agrees to hold the United States, its agents and employees harmless from any claims whatsoever in connection with the seizure or forfeiture of property covered by this Plea Agreement.

Defendant will cooperate with in the Government as requested by the Government in connection with the Government's efforts to identify, locate, seize, and forfeit property that is subject to forfeiture under this agreement. Defendant agrees that he will cooperate with the United States by taking whatever steps are necessary to deliver possession of, and clear title to, property that is forfeitable to the United States under this agreement and will execute such legal documents as may be required to transfer title to the United States and by taking whatever steps are necessary to ensure that the property is not sold, disbursed, hidden, wasted or

otherwise made unavailable for forfeiture. If any other person or entity has any interest in such property, defendant will provide the Government with the name and address of the person or entity that has an interest in, and/or possession of, the asset, and assist the Government in obtaining a release of interest from any such other person or entity.

In entering into this agreement with respect to forfeiture, defendant knowingly, voluntarily, and intelligently waives any challenge to the above-described forfeiture based upon the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.

Defendant further waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, pronouncement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. Defendant acknowledges that he understands that the forfeiture of property is part of the sentence that may be imposed in this case and waives any failure by the court to advise him of this, pursuant to Rule 11(b)(1)(J), at the time his guilty plea is accepted.

4. Additional Agreements, Waivers, and Stipulations

A. Subject to a government administered polygraph examination, Defendant agrees to truthfully provide to the Government, including representatives of Washtenaw County, all information and evidence the defendant has concerning

the instant offense, offenses that were part of the same course of conduct, and any open investigations about which the Defendant has knowledge.

B. Defendant further agrees to not pursue any motions to suppress in connection with the instant offense.

5. Use of Withdrawn Guilty Plea

If the Court allows defendant to withdraw his guilty plea for a “fair and just reason” pursuant to Fed. R. Crim. P. 11(d)(2)(B), defendant waives his rights under Fed. R. Evid. 410, and the government may use his guilty plea, any statement made under oath at the change-of-plea hearing, and the factual basis statement in this plea agreement, against him in any proceeding.

6. Each Party’s Right to Withdraw from This Agreement

The recommendations in Paragraph 3 are not binding on the Court. Defendant has no right to withdraw his guilty plea and the parties have no right to withdraw from this agreement if the Court decides not to follow them.

7. Appeal Waiver

The defendant waives any right he may have to appeal his conviction on any grounds. If the defendant’s sentence of imprisonment does not exceed 108 months, the defendant also waives any right he may have to appeal his sentence on any grounds. If the defendant’s sentence of imprisonment is at least 87 months, the government waives any right it may have to appeal the defendant’s sentence.

This waiver does not bar filing a claim of ineffective assistance of counsel in court.

8. Consequences of Withdrawal of Guilty Plea(s) or Vacation of Conviction(s)

If defendant is allowed to withdraw his guilty plea(s) or if any conviction entered pursuant to this agreement is vacated, the Court shall, on the government's request, reinstate any charges that were dismissed as part of this agreement. If additional charges are filed against defendant within six months after the date the order vacating defendant's conviction or allowing him to withdraw his guilty plea(s) becomes final, which charges relate directly or indirectly to the conduct underlying the guilty plea(s) or to any conduct reflected in the attached worksheets, defendant waives his right to challenge the additional charges on the ground that they were not filed in a timely manner, including any claim that they were filed after the limitations period expired.

9. Other Charges

If the Court accepts this agreement, the government will not bring additional charges against defendant based on any of the conduct reflected in the attached worksheets.

10. Parties to Plea Agreement

Unless otherwise indicated, this agreement does not bind any government agency except the United States Attorney's Office for the Eastern District of Michigan.

11. Scope of Plea Agreement

This agreement, which includes all documents that it explicitly incorporates, is the complete agreement between the parties. This agreement supersedes all other promises, representations, understandings and agreements between the parties concerning the subject matter of this plea agreement that were made at any time before the guilty plea is entered in court. Thus, no oral or written promises made by the government to defendant or to the attorney for the defendant at any time before defendant pleads guilty are binding except to the extent they have been explicitly incorporated into this agreement.

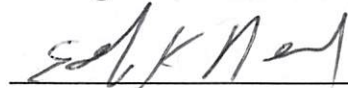
Notwithstanding the previous paragraph, if defendant has entered into a proffer agreement in writing or a cooperation agreement in writing with the government, this plea agreement does not supersede or abrogate the terms of any such prior written agreement.

This agreement also does not prevent any civil or administrative actions against defendant, or any forfeiture claim against any property, by the United States or any other party.

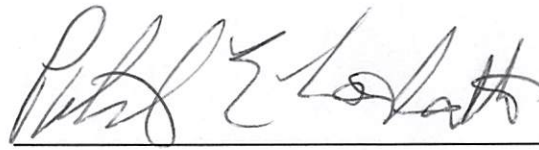
12. **Acceptance of Agreement by Defendant**

This plea offer expires unless it has been received, fully signed, in the Office of the United States Attorney by 5:00 P.M. on 11/15/2017. The government reserves the right to modify or revoke this offer at any time before defendant pleads guilty.

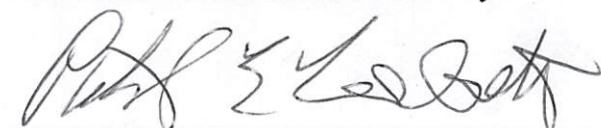
Daniel L. Lemisch
Acting United States Attorney



John K. Neal
Assistant United States Attorney
Chief, White Collar Crime Unit



Patrick E. Corbett
Assistant United States Attorney

for 
Craig A. Weier
Assistant United States Attorney

Date: 11/8/17

By signing below, defendant acknowledges that he has read (or been read) this entire document, understands it, and agrees to its terms. He also acknowledges that he is satisfied with his attorney's advice and representation. Defendant agrees that he has had a full and complete opportunity to confer with his lawyer, and has had all of his questions answered by his lawyer.



Benton Martin
Attorney for Defendant

12/1/17
Date



Konrads Voits
Defendant

12/1/17
Date

Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

WORKSHEET A (Offense Levels)

Complete one Worksheet A for each count of conviction (taking into account relevant conduct and treating each stipulated offense as a separate count of conviction) before applying the multiple-count rules in U.S.S.G. ch. 3, pt. D. However, in any case involving multiple counts of conviction, if the counts of conviction are all “closely related” to each other within the meaning of U.S.S.G. § 3D1.2(d), complete only a single Worksheet A.

1. BASE OFFENSE LEVEL AND SPECIFIC OFFENSE CHARACTERISTICS (U.S.S.G. ch. 2)

<u>Guideline Section</u>	<u>Description</u>	<u>Levels</u>
<u>2B1.1(a)(2)</u>	<u>Offense involving fraud – base level</u>	<u>6</u>
<u>2B1.1(b)(1)(E)</u>	<u>\$150,000-\$250,000</u>	<u>10</u>
<u>2B1.1(b)(2)(A)</u>	<u>More than 10 victims</u>	<u>2</u>
<u>2B1.1(b)(9)</u>	<u>Misrepresentation acting on behalf government agency</u>	<u>2</u>
<u>2B1.1(b)(11)</u>	<u>Use of authentication feature</u>	<u>2</u>
<u>2B1.1(b)(17)</u>	<u>Offense under 1030 involving obtaining personal information</u>	<u>2</u>
<u>2B1.1(b)(18)(ii)</u>	<u>Convicted of offense under 18 USC 1030(a)(5)(A)</u>	<u>4</u>

2. ADJUSTMENTS (U.S.S.G. ch. 3, pts. A, B, C)

<u>Guideline Section</u>	<u>Description</u>	<u>Levels</u>
<u>3A1.2(a)</u>	<u>Government employee victim and offense motivated by such status</u>	<u>3</u>

Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

3. ADJUSTED OFFENSE LEVEL

Enter the sum of the offense levels entered in Items 1 and 2. If this Worksheet A does not cover every count of conviction (taking into account relevant conduct and treating each stipulated offense as a separate count of conviction), complete one or more additional Worksheets A and a single Worksheet B.

31

* * * * *

If this is the only Worksheet A, check this box and skip Worksheet B.

If the defendant has no criminal history, check this box and skip Worksheet C.

Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

WORKSHEET B (Multiple Counts)

Instructions (U.S.S.G. ch. 3, pt. D):

- Group the counts of conviction into distinct Groups of Closely Related Counts. “All counts involving substantially the same harm shall be grouped together into a single Group.” (*See* U.S.S.G. § 3D1.2.)
- Determine the offense level applicable to each Group. (*See* U.S.S.G. § 3D1.3.)
- Determine the combined offense level by assigning “units” to each Group as follows (*see* U.S.S.G. § 3D1.4):
 - assign 1 unit to the Group with the highest offense level,
 - assign 1 unit to each additional Group that is equally serious as, or 1 to 4 levels less serious than, the Group with the highest offense level,
 - assign ½ unit to each Group that is 5 to 8 levels less serious than the Group with the highest offense level,
 - assign no units to each Group that is 9 or more levels less serious than the Group with the highest offense level.

1. **GROUP ONE: COUNT(S)**
ADJUSTED OFFENSE LEVEL _____
2. **GROUP TWO: COUNT(S)**
ADJUSTED OFFENSE LEVEL _____
3. **GROUP THREE: COUNT(S)**
ADJUSTED OFFENSE LEVEL _____
4. **GROUP FOUR: COUNT(S)**
ADJUSTED OFFENSE LEVEL _____
5. **TOTAL UNITS**

	unit
	unit
	unit
	unit
	units

Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

6. INCREASE IN OFFENSE LEVEL

1 unit —————> no increase 2 1/2 – 3 units —————> add 3 levels
 1 1/2 units —————> add 1 level 3 1/2 – 5 units —————> add 4 levels
 2 units —————> add 2 levels > 5 levels —————> add 5 levels

7. ADJUSTED OFFENSE LEVEL OF GROUP WITH THE HIGHEST OFFENSE LEVEL
8. COMBINED ADJUSTED OFFENSE LEVEL

Enter the sum of the offense levels entered in Items 6 and 7.

Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

WORKSHEET C (Criminal History)

Date of defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses):

1. PRIOR SENTENCES

Prior Sentence of Imprisonment Exceeding 13 Months

3 POINTS

(U.S.S.G. §§ 4A1.1(a)):

Enter 3 points for each prior adult sentence of imprisonment exceeding one year and one month that either (1) was imposed within 15 years of the defendant's commencement of the instant offenses (taking into account relevant conduct and stipulated offenses) or (2) resulted in the defendant's confinement during any part of that 15-year period. (See U.S.S.G. §§ 4A1.1(a), 4A1.2(d)(1), (e)(1).)

Prior Sentence of Imprisonment of at Least 60 Days

2 POINTS

(U.S.S.G. §§ 4A1.1(b)):

Enter 2 points for each prior sentence of imprisonment of at least 60 days not counted under U.S.S.G. § 4A1.1(a) that either (1) resulted from an offense committed after the defendant turned 18 and was imposed within 10 years of the defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses) (see U.S.S.G. §§ 4A1.1(b), 4A1.2(e)(2)) or (2) resulted from an offense committed before the defendant turned 18 and resulted in the defendant's confinement during any part of the 5-year period preceding the defendant's commencement of the instant offense (see U.S.S.G. §§ 4A1.1(b), 4A1.2(d)(2)(A)).

Other Prior Sentences

1 POINT

(U.S.S.G. §§ 4A1.1(c)):

Enter 1 point for each prior sentence not counted under U.S.S.G. § 4A1.1(a) or (b) that either (1) resulted from an offense committed after the defendant turned 18 and was imposed within 10 years of the defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses) (see U.S.S.G. §§ 4A1.1(c), 4A1.2(e)(2)) or (2) resulted from an offense committed before the defendant turned 18 and was imposed within 5 years of the defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses) (see U.S.S.G. §§ 4A1.1(c), 4A1.2(d)(2)(B)). NOTE: No more than 4 points may be added under this item.

Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

<u>Date of Imposition</u>	<u>Status*</u>	<u>Offense</u>	<u>Sentence</u>	<u>Release Date**</u>	<u>Points</u>
2015		Filing False Police Report	Over 60 days in jail		2

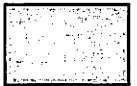
* If the defendant committed the offense before turning 18, indicate whether he or she was sentenced as a juvenile (J) or as an adult (A).

** A release date is required in only two situations: (1) when a sentence covered under U.S.S.G. § 4A1.1(a) was imposed more than 15 years before the defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses) but resulted in his or her confinement during any part of that 15-year period; or (2) when a sentence counted under U.S.S.G. § 4A1.1(b) was imposed for an offense committed before the defendant turned 18 but resulted in his or her confinement during any part of the 5-year period preceding his or her commencement of the instant offense (taking into account relevant conduct and stipulated offenses).

Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

**2. COMMISSION OF INSTANT OFFENSE WHILE UNDER PRIOR SENTENCE
(U.S.S.G. § 4A1.1(d))**

Enter 2 points if the defendant committed any part of the instant offense (taking into account relevant conduct and stipulated offenses) while under any criminal justice sentence having a custodial or supervisory component, including probation, parole, supervised release, imprisonment, work release, and escape status. (See U.S.S.G. §§ 4A1.1(d), 4A1.2(m), (n).) List the type of control and identify the sentence from which it resulted.



3. PRIOR SENTENCE RESULTING FROM CRIME OF VIOLENCE (U.S.S.G. § 4A1.1(e))

Enter 1 point for each prior sentence resulting from a conviction for a crime of violence that did not receive any points under U.S.S.G. § 4A1.1(a), (b), or (c) because such sentence was considered related to another sentence resulting from a conviction for a crime of violence. But enter no points where the sentences are considered related because the offenses occurred on the same occasion. (See U.S.S.G. §§ 4A1.1(e), 4A1.2(p).) Identify the crimes of violence and briefly explain why the cases are considered related. NOTE: No more than 3 points may be added under this item.



4. TOTAL CRIMINAL HISTORY POINTS

Enter the sum of the criminal history points entered in Items 1-4.



5. CRIMINAL HISTORY CATEGORY

Total Criminal History Points

0-1
2-3
4-6
7-9
10-12
≥ 13

Criminal History Category

I
II
III
IV
V
VI



Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

WORKSHEET D (Guideline Range)**1. (COMBINED) ADJUSTED OFFENSE LEVEL**

Enter the adjusted offense level entered in Item 3 of Worksheet A or the combined adjusted offense level entered in item 8 of Worksheet B.

31

2. ADJUSTMENT FOR ACCEPTANCE OF RESPONSIBILITY (U.S.S.G. § 3E1.1)

3

3. TOTAL OFFENSE LEVEL

Enter the difference between Items 1 and 2.

28

4. CRIMINAL HISTORY CATEGORY

Enter "I" if the defendant has no criminal history. Otherwise, enter the criminal history category entered in Item 6 of Worksheet C.

II

5. CAREER OFFENDER/CRIMINAL LIVELIHOOD/ARMED CAREER CRIMINAL/DANGEROUS SEX OFFENDER (U.S.S.G. CH. 4, PT. B)

a. Total Offense Level: If the career offender provision (U.S.S.G. § 4B1.1), the criminal livelihood provision (U.S.S.G. § 4B1.3), the armed career criminal provision (U.S.S.G. § 4B1.4), or the dangerous sex offender provision (U.S.S.G. § 4B1.5) results in a total offense level higher than the total offense level entered in Item 3, enter the higher offense level total.

b. Criminal History Category: If the career offender provision (U.S.S.G. § 4B1.1), the armed career criminal provision (U.S.S.G. § 4B1.4), or the dangerous sex offender provision (U.S.S.G. § 4B1.5) results in a criminal history category higher than the criminal history category entered in Item 4, enter the higher criminal history category.

6. GUIDELINE RANGE FROM SENTENCING TABLE (U.S.S.G. CH. 5, PT. A)

Enter the guideline range in the Sentencing Table (*see* U.S.S.G. ch. 5, pt. A) produced by the total offense level entered in Item 3 or 5.a and the criminal history category entered in Item 4 or 5.b.

87-108
months

Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

7. STATUTORY RESTRICTIONS ON OR SUPERSESSION OF GUIDELINE RANGE

If the maximum sentence authorized by statute is below, or a minimum sentence required by statute is above, the guideline range entered in Item 6, enter either the guideline range as restricted by statute or the sentence required by statute. (*See* U.S.S.G. § 5G1.1.) If the sentence on any count of conviction is required by statute to be consecutive to the sentence on any other count of conviction, explain why.


months

Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

WORKSHEET E (Authorized Guideline Sentences)

1. PROBATION

a. Imposition of a Term of Probation (U.S.S.G. § 5B1.1)

☒

1. Probation is not authorized by the guidelines (minimum of guideline range ≥ 10 months or statute of conviction is a Class A or a Class B felony). If this box is checked, go to Item 2 (Split Sentence).

☐

2. Probation is authorized by the guidelines (minimum of guideline range = zero months).

☐

3. Probation is authorized by the guidelines, provided the court imposes a condition or combination of conditions requiring intermittent confinement, community confinement, or home detention satisfying the minimum of the guideline range (minimum of guideline range > 0 months but ≤ 9 months).

b. Length of Term of Probation (U.S.S.G. § 5B1.2)

☐

1. At least 1 year but not more than 5 years (total offense level ≥ 6)

☐

2. No more than 3 years (total offense level < 6).

c. Conditions of Probation (U.S.S.G. § 5B1.3)

2. SPLIT SENTENCE (U.S.S.G. § 5C1.1(C)(2), (D)(2))

☒

a. A split sentence is not authorized (minimum of guideline range = 0 months or ≥ 15 months).

☐

b. A split sentence is authorized (minimum of guideline range > 0 months but ≤ 12 months). The court may impose a sentence of imprisonment that includes a term of supervised release with a condition that substitutes community confinement or home detention for imprisonment, provided that at least one-half of the minimum of the guideline range is satisfied by imprisonment (if the minimum of the guideline range is 10 or 12 months), or that at least one month is satisfied by imprisonment (if the minimum of the guideline range is 1, 2, 3, 4, 6, 8, or 9 months). The authorized length of the term of supervised release is set forth below in Item 4.b.

3. IMPRISONMENT (U.S.S.G. CH. 5, PT. C)

A term of imprisonment is authorized by the guidelines if it is within the applicable guideline range (entered in Item 6 of Worksheet D). (See U.S.S.G. § 5C1.1.)

Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

4. SUPERVISED RELEASE (U.S.S.G. ch 5., pt. D)

a. Imposition of a Term of Supervised Release (U.S.S.G. § 5D1.1)

The court must impose a term of supervised release if it imposes a term of imprisonment of more than one year, or if it is required to do so by statute. The court may impose a term of supervised release if it imposes a term of imprisonment of one year or less.

b. Length of Term of Supervised Release (U.S.S.G. § 5D1.2)

☐

1. At least 2 years but not more than 5 years, where the count of conviction is a Class A or a Class B felony, i.e., an offense carrying a maximum term of imprisonment ≥ 25 years.

☒

2. At least 1 year but not more than 3 years, where the count of conviction is a Class C or a Class D felony, i.e., an offense carrying a maximum term of imprisonment ≥ 5 years but < 25 years.

☐

3. 1 year, where the count of conviction is a Class E felony or a Class A misdemeanor, i.e., an offense carrying a maximum term of imprisonment > 6 months but < 5 years.

☐

4. The statute of conviction requires a minimum term of supervised release of _____ years.

c. Conditions of Supervised Release (U.S.S.G. § 5D1.3)

The court must impose certain conditions of supervised release and may impose other conditions of supervised release.

5. RESTITUTION (U.S.S.G. § 5E1.1)

☐

1. The court *must* order full restitution to the victim(s) of the offense(s) of conviction. (See 18 U.S.C. §§ 3556, 3663A, 3664.) The court will determine who the victims are and their restitution amounts.

☒

2. The court *must* order full restitution to the victim(s) of the offense(s) of conviction. (See 18 U.S.C. §§ 3556, 3663A, 3664) The parties agree that full restitution is \$ 235,488.00.

Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

☐ 3. The parties agree that the court *may* order restitution to the victim(s) of the offense(s) of conviction in any amount up to and including \$ _____
(See 18 U.S.C. §§ 3663(a)(3), 3664.)

☐ 4. The parties agree that the court *may also* order restitution to persons other than the victim(s) of the offense(s) of conviction in any amount up to and including \$ _____. (See 18 U.S.C. §§ 3663(a)(1)(A), 3663A(a)(3), 3664.)

☐ 5. Restitution is not applicable.

6. FINE (U.S.S.G. § 5E1.2)

a. Fines for Individual Defendants

The court must impose a fine unless “the defendant establishes that he [or she] is unable to pay and is not likely to become able to pay any fine.” (See U.S.S.G. § 5E1.2(a).) Generally, the fine authorized by the guidelines is limited to the range established in the Fine Table. (See U.S.S.G. § 5E1.2(b).) However, there are exceptions to this general rule. (See U.S.S.G. § 5E1.2(b), (c)(4).)

b. Fine Range from Fine Table (U.S.S.G. § 5E1.2(c)(3))

Minimum Fine
\$25,000

Maximum Fine
\$250,000

Defendant:	Konrads Voits	Count:	One
Docket No.:	17-20689	Statute(s):	18 USC 1030(a)(5)(A)

7. SPECIAL ASSESSMENT(S) (U.S.S.G. § 5E1.3)

The court must impose a special assessment on every count of conviction. The special assessments for individual defendants are:

- \$100.00 for every count charging a felony (\$400 for a corporation),
- \$25.00 for every count charging a Class A misdemeanor (\$125 for a corporation),
- \$10.00 for every count charging a Class B misdemeanor (\$50 for a corporation), and
- \$5.00 for every count charging a Class C misdemeanor or an infraction (\$25 for a corporation).

The defendant must pay a special assessment or special assessments in the total amount of \$ 100.

8. FORFEITURE (U.S.S.G. § 5E1.4)

☒ Assets of the defendant will be forfeited. ☐ Assets of the defendant will not be forfeited.

9. ADDITIONAL APPLICABLE GUIDELINES, POLICY STATEMENTS, AND STATUTES

List any additional applicable guideline, policy statement, or statute.

10. UPWARD OR DOWNWARD DEPARTURE (U.S.S.G. ch. 5, pts. H & K)

List any applicable aggravating or mitigating circumstance that might support a term of imprisonment above or below the applicable guideline range.
