

United States District Court
Southern District of Florida
 FT. LAUDERDALE DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

Case Number: 08-CR-60144-WPD

VICTOR NEEDLEMAN

USM Number: 77641-004

Counsel For Defendant: Fred Haddad, Esq.; Walter Reynoso, Esq.
 Counsel For The United States: Michael Walleisa, AUSA
 Court Reporter: Vicki Miller, Official Court Reporting

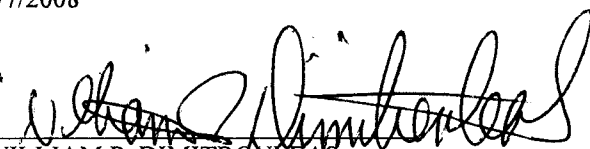
The defendant pleaded guilty to Counts 1, 2 - 4 of the Indictment.
 The defendant is adjudicated guilty of the following offenses:

<u>TITLE/SECTION NUMBER</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 U.S.C. § 371	Conspiracy to sell firearms to a convicted felon	2/22/08	1
18 U.S.C. § 922(d)(1)	Sale of firearms to a convicted felon	2/22/08	2-4

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

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

Date of Imposition of Sentence:
8/7/2008


 WILLIAM P. DIMITROPLEAS
 United States District Judge

August 8, 2008

DEFENDANT: VICTOR NEEDLEMAN
CASE NUMBER: 08-CR-60144-WPD

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **60 Months as to Count 1 of the Indictment. 70 Months as to Counts 2 - 4 of the Indictment. All to be served concurrently.**

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

Defendant participate in the 500 hour Intensive Drug Treatment Program

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

DEFENDANT: VICTOR NEEDLEMAN
CASE NUMBER: 08-CR-60144-WPD

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **3 Years as to Counts 1, and 2-4. To run concurrently.**

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. 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 from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

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

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer **at least ten (10) days prior** to any change in residence or employment;
7. The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. 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;
10. 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;
11. The defendant shall notify the probation officer within **seventy-two (72) hours** of being arrested or questioned by a law enforcement officer;
12. 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;
13. 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.

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SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional conditions of supervised release:

The defendant shall participate in an approved treatment program for mental health/substance abuse and abide by all supplemental conditions of treatment. Participation may include inpatient/outpatient treatment. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

The defendant shall maintain full-time, legitimate employment and not be unemployed for a term of more than 30 days unless excused for schooling, training or other acceptable reasons. Further, the defendant shall provide documentation including, but not limited to pay stubs, contractual agreements, W-2 Wage and Earnings Statements, and other documentation requested by the U.S. Probation Officer.

Self-Employment Restriction: The defendant shall obtain prior written approval from the Court before entering into any self-employment.

Permissible Search: The defendant shall submit to a search of his/her person or property conducted in a reasonable manner and at a reasonable time by the U.S. Probation Officer.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments.

<u>Total Assessment</u>	<u>Total Fine</u>	<u>Total Restitution</u>
\$400.00	\$12,500.00	\$

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A. Lump sum payment of \$400.00 due immediately.

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.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The assessment/fine/restitution is payable to the CLERK, UNITED STATES COURTS and is to be addressed to:

**U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 8N09
MIAMI, FLORIDA 33128-7716**

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

The defendant's right, title and interest to the property identified in the preliminary order of forfeiture, which has been entered by the Court and is incorporated by reference herein, is hereby forfeited.

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
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 08-60144-CR-DIMITROULEAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR NEEDLEMAN,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

THIS CAUSE is before the Court upon motion of the United States for entry of a preliminary order of forfeiture. Being fully advised in the premises and based on the motion of the United States and the record in this matter and for good cause shown thereby, the Court finds as follows with respect to forfeiture in this action as to defendant Victor Needleman, hereinafter referred to as "defendant"):

1. On May 16, 2008, an Information was filed by the United States Attorney's Office for the Southern District of Florida charging that Victor Needleman, (hereinafter referred to as "defendant"), in **Count 1 thru 4**, relevant to this motion, conspired and did knowingly sell firearms to a convicted felon and disguised the sale of firearms to the convicted felon by conducting sales of firearms to "straw purchasers" and made false entries in records required to be maintained by a licensed firearms dealer in violation of Title 18, United States Code, Sections 371, 922(d)(1) and 924(a)(2).

2. The Information further sought the forfeiture of the defendant's interest in certain property pursuant to Title 28, United States Code, Section 2461(c), Title 18, United States Code,

Section 924(d)(1) and Title 21, United States Code, Section 853, those assets including:¹

- d. one (1), .38 cal. Smith & Wesson, model 64 revolver #14194,
- e. one (1) 9mm Berretta CX4 Storm semi-automatic pistol, #CX24036,
- f. one (1) 9mm Heckler and Koch, USP semi-automatic pistol, #24-24070,
- g. one (1) 7.62 x 39 Romarm/Cugir WASR-10 semi-automatic rifle,
#1-86891-08,
- h. one (1) 9mm Beretta 92FS, #BER201874Z,
- i. one (1) .45 cal. Ruger P345 semi-automatic pistol #664-24308, and
- j. the sum of \$44,600.00 in U.S. currency.

3. On May 30, 2008, defendant Victor Needleman, entered a plea of guilty to Counts 1 thru 4 of the Information, acknowledging violations of Title 18, United States Code, Sections 371, 922(d)(1) and 924(a)(2). Defendant signed both a Plea Agreement and a Consent to Forfeiture of property involved in a conspiracy, in violation of Title 18, United States Code, Section 371, which subjected the US currency to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C); and property involved in or used in a firearms violation under Title 18, United States Code, Section 924(c)(1)(A)(ii), which subjected the firearms and ammunition to forfeiture pursuant Title 18, United States Code, Section 924(d)(1).

¹ The plea agreement and consent to forfeiture filed with the Court on 5/30/08 contained additional asset items denominated as "a, b, c" which were administratively forfeited by Federal agencies in prior proceedings. These 3 items have been omitted from this Order. However, to avoid any confusion in the future as to which items listed as consented to forfeiture by the defendant in these proceedings, this Order has retained the remaining 7 items' denomination letters "d thru j."

Therefore, in consideration of the defendant's guilty plea to the Information and to his agreement to this forfeiture, upon motion of the United States and for good cause shown thereby, it is hereby

ORDERED and ADJUDGED that:

1. All right, title and interest of defendant Victor Needleman in the following property is hereby forfeited to the United States of America pursuant Title 18, United States Code, Section 924(d)(1):

- d. one (1), .38 cal. Smith & Wesson, model 64 revolver #14194,
- e. one (1) 9mm Berretta CX4 Storm semi-automatic pistol, #CX24036,
- f. one (1) 9mm Heckler and Koch, USP semi-automatic pistol, #24-24070,
- g. one (1) 7.62 x 39 Romarm/Cugir WASR-10 semi-automatic rifle, #1-86891-08,
- h. one (1) 9mm Beretta 92FS, #BER201874Z,
- i. one (1) .45 cal. Ruger P345 semi-automatic pistol #664-24308, and
- j. the sum of \$44,600.00 in U.S. currency.

2. The United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives or any duly authorized law enforcement official, shall seize and take custody of the property identified herein above as forfeited under this order pursuant to 21 U.S.C. § 853(g).

3. The United States shall cause to be published at least once, in a newspaper of general circulation, notice of this Order as required by 21 U.S.C. § 853(n)(6). The notice shall state that any person, other than the defendant, having or claiming a legal interest in the property ordered forfeited by this order must file a petition with the Court within thirty (30) days of the final publication of the notice or receipt of actual notice, whichever is earlier; that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property; and that the petition shall be signed by the petitioner under penalty of perjury, shall set forth the

nature and extent of the petitioner's right, title and interest in the forfeited property and shall set forth any additional facts supporting the petitioner's claim and the relief sought.

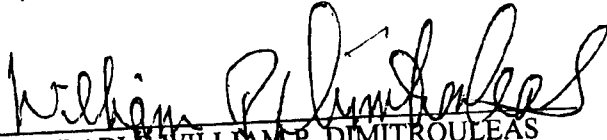
4. The United States may provide, to the extent practicable, direct written notice to any person known to have an alleged interest in the property that is subject of the Order of Forfeiture, in addition to the published notice.

5. The United States is further authorized, pursuant to 21 U.S.C. § 853(m) and Fed. R. Crim. P. 32.2(c)(1), to conduct any discovery necessary, including depositions, to identify, locate or dispose of the property ordered forfeited herein or in order to expedite ancillary proceedings related to any third party petition claims filed with respect to the forfeited property.

IT IS FURTHER ORDERED that upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n) in which all interests will be addressed. If no claims are filed within 30 days of the final publication or receipt of actual notice, whichever is earlier, then pursuant to 21 U.S.C. § 853(n)(7), the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, or any duly authorized law enforcement official, shall dispose of the property forfeited hereunder according to law.

DONE AND ORDERED in Chambers, at Fort Lauderdale, Broward County, Florida this

2 day of July, 2008.


HONORABLE WILLIAM P. DIMITROULEAS
UNITED STATES DISTRICT JUDGE

cc: AUSA Roger W. Powell, (2 certified copies)