

MINUTES

CASE NUMBER: CR NO. 11-01258LEK
CASE NAME: USA vs. KEOJE MARINE CO., LTD.
ATTYS FOR PLA: Marshall H. Silverberg
Kenneth E. Nelson
ATTYS FOR DEFT: Michael Purpura
INTERPRETER: ESTHER CHO

JUDGE:	Leslie E. Kobayashi	REPORTER:	Katherine Eismann
DATE:	01/10/2012	TIME:	2:14-2:23; 3:40-4:15

COURT ACTION: EP: Status Conference held [2:14-2:23]. Choi In Seok, Company Representative present. Court questions counsel regarding Consent of Board of Directors to Choi In Seok representing the Corporation. Written Consent to Counsel Michael Purpura representing Company as duly authorized agent filed.

Initial Appearance; Waiver of Indictment; Arraignment and Plea of Guilty to the Felony Information; Sentencing. [3:40-4:15]

Interpreter Esther Cho present. Atty Michael Purpura appeared as retained counsel for Defendant.

Counsel Michael Purpura sworn, questioned by the Court. Court finds that the Defendant thru Counsel Michael Purpura has voluntarily and knowingly waived the Company's right to prosecution by Indictment. **Waiver of Indictment**, signatures verified, signed by the Court and filed. **Memorandum of Plea Agreement**, signatures verified and filed. Court informs Defendant thru Counsel Michael Purpura of sentencing guidelines, possible departure from sentencing guidelines, possible penalties, supervised release, possible loss of civil rights, limited rights to appeal, etc. Defendant thru Counsel Michael Purpura waives pre-sentence investigation and preparation of pre-sentence report.

Plea of Guilty as to Counts 1, 2 and 3 of the Felony Information entered by the Defendant thru Counsel Michael Purpura. Court accepts Defendant's Plea of Guilty as to Counts 1, 2 and 3 of the Felony Information. Court accepts Plea Agreement. Govt and Defendant thru Counsel Michael Purpura both waive pre-sentence investigation and preparation of pre-sentence report.

Court findings made as to the applicable sentencing guidelines and inclination to depart from sentencing guidelines. Court notes the aggravating and mitigating factors related to Defendant's Sentencing. Recommendations by Counsel as to proposed sentence heard. Allocution by Defendant thru Counsel Michael Purpura made. Court's proposed sentence stated. No legal objections to the proposed sentence.

Court imposes sentence.

SENTENCE:

Fine: \$900,000 TOTAL
As to Count 1: \$300,000
As to Count 2: \$300,000
As to Count 3: \$300,000

Restitution: None

Special Assessment: \$ 400 as to each Count, \$1,200 Total

Unsupervised Probation: 36 MONTHS

Conditions of Probation:

- 1) The defendant shall abide by the standard conditions of supervision.
- 2) The defendant shall not commit any crimes, federal, state, or local (mandatory condition).
- 3) The defendant shall not possess illegal controlled substances (mandatory condition).
- 4) As to Fine: \$ 225, 000 is due immediately.
 \$ 225,000 is due 1/10/2013
 \$ 225,000 is due 1/10/2014
 \$ 225,000 is due 1/10/2015
All payable to: Clerk of Court, U.S. District Court, District of Hawaii.
- 5) Community Service Payment: \$250,000.00 payable to the National Fish and Wildlife Foundation is due immediately. AUSA to provide address.
- 6) Environmental Compliance Plan: implemented as a condition of probation and requires training along with surveys and audits of defendant's office and vessels to ensure compliance with environmental laws and regulations.

Defendant Company thru Counsel Michael Purpura advised of right to appeal.

Defendant Company thru Counsel Michael Purpura referred to the U.S. Probation Office for processing.

Submitted by: Warren N. Nakamura, Courtroom Manager