



United States Attorney's Office
Central District of California

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Release No. 10-174

December 3, 2010

'OPERATION SPIDERMAN' LEADS TO ARREST OF GERMAN MAN ON FEDERAL CHARGES OF SMUGGLING TARANTULAS INTO THE U.S.

LOS ANGELES – A German national has been arrested on federal animal smuggling charges after he allegedly used the U.S. Mail to illegally import hundreds of tarantulas, some of which are protected under international law.

Sven Koppler, 37, a German citizen who is believed to reside in Wachtberg, Germany, was arrested without incident late yesterday afternoon by special agents with the U.S. Fish and Wildlife Service and United States Postal Inspectors. Koppler was arrested soon after arriving in Los Angeles to meet with an associate.

Koppler is charged in a criminal complaint that alleges one count of illegally importing wildlife into the United States, a smuggling offense that carries a statutory maximum penalty of 20 years in federal prison and a \$250,000 fine.

According to the criminal complaint, the investigation into Koppler began in March, when a routine search of an international package revealed approximately 300 live tarantulas that were being shipped to Los Angeles. As part of the investigation, Fish and Wildlife agents obtained information about an additional shipment of live tarantulas from Germany via the United States Postal Service. Fish and Wildlife agents intercepted a second package that contained nearly 250 live tarantulas wrapped in colored plastic straws. The second package contained 22 Mexican red-kneed (*Brachypelma smithi*) tarantulas, a species that is protected under an international treaty.

During a subsequent undercover investigation detailed in the criminal complaint, Fish and Wildlife agents ordered additional tarantulas from Koppler who then sent the tarantulas from Germany to the agents in the United States. The agents received a package in April that included about 70 live (and one dead) tarantulas, and four other packages last month that included several dozen live and dead tarantulas. The undercover buys involved protected *Brachypelma* tarantulas.

The entire *Brachypelma* genus is protected by the Convention on International Trade in Endangered Species (CITES) because it is being threatened by international trade, and specimens can only be legally traded if CITES permits first are obtained from the exporting country.

The criminal complaint states that U.S. Fish and Wildlife reviewed records that indicate Koppler has received approximately \$300,000 as a result of tarantula sales to individuals in dozens of countries throughout the world, including approximately nine people in the United States.

Koppler is expected to make his initial court appearance in United States District Court this afternoon.

A criminal complaint contains allegations that a defendant has committed a crime. Every defendant is presumed to be innocent until and unless proven guilty in court.

Operation Spiderman was conducted by the U.S. Fish and Wildlife Service, which received substantial assistance from the United States Postal Inspection Service, U.S. Immigration and Customs Enforcement and the National Oceanic and Atmospheric Administration.

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Release No. 10-174

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CRIMINAL COMPLAINT

UNITED STATES DISTRICT COURT	CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA v. SVEN KOPPLER, aka "Michael Muller," aka "Patrick Muller."	DOCKET NO. MAGISTRATE'S CASE NO.
10-2902M	

Complaint for violations of Title 18, United States Code, Section 545 (Importing Wildlife Contrary to Law), and Title 18, United States Code, Section 2(b) (Causing an Act to be Done).

NAME OF MAGISTRATE JUDGE HONORABLE FREDERICK F. MUMM	UNITED STATES MAGISTRATE JUDGE	LOCATION Los Angeles, CA
DATE OF OFFENSE March 2010	PLACE OF OFFENSE Los Angeles County	ADDRESS OF ACCUSED (IF KNOWN)

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

In or about March 2010, in Los Angeles County, within the Central District of California, and elsewhere, defendant SVEN KOPPLER, also known as "Michael Muller" and "Patrick Muller" (hereinafter "defendant"), did fraudulently and knowingly import, bring, and cause the importation and bringing of merchandise, namely, Mexican red-kneed tarantulas (Brachypelma smithi), into the United States contrary to law. Specifically, defendant brought, imported, and caused the bringing and importation of the tarantulas into the United States contrary to law, namely: without obtaining a valid foreign export or re-export permit from Germany in violation of Title 16, United States Code, Section 1538, and Title 50, Code of Federal Regulations, Section 23.13; and without reporting or declaring said tarantulas to officials of the United States Fish and Wildlife Service in violation of Title 50, Code of Federal Regulations, Section 14.61.

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

See attached affidavit which is incorporated as part of this complaint.

MATERIAL WITNESSES IN RELATION TO THIS CHARGE:

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT PAUL MONTUORI  OFFICIAL TITLE SPECIAL AGENT - U.S. FISH & WILDLIFE SERVICE
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Sworn to before me and subscribed in my presence,

SIGNATURE OF MAGISTRATE JUDGE(1)

Frederick F. Mumm

DATE

December 1, 2010

1) See Federal Rules of Criminal Procedure rules 3 and 54.
[AUSA M. WILLIAMS / ENVIRONMENTAL CRIMES SECTION]

A F F I D A V I T

I, Paul Montuori, being duly sworn, hereby depose and state:

A. INTRODUCTION

1. I am a Special Agent ("SA") of the United States Fish and Wildlife Service ("USFWS"), Department of the Interior, and have been so employed since October 2008. Prior to working as a SA, I was employed as a Law Enforcement Officer with the Diplomatic Security Service, U.S. State Department, for nine years. During my employment with the USFWS, I have conducted and participated in investigations of wildlife law violations and have undergone training in the identification and investigation of wildlife crimes. My training and experience includes investigations of the illegal domestic and international trade of wildlife and plants, including tarantulas. I am presently assigned to the Torrance, California, USFWS field station.

B. PURPOSE OF AFFIDAVIT

2. This affidavit is submitted in support of an arrest warrant and criminal complaint charging SVEN KOPPLER ("KOPPLER") with violating Title 18, United States Code, Section 545 (Importing Wildlife Contrary to Law), and Title 18, United States Code, Section 2(b) (Causing an Act to be Done).

3. I am familiar with the information contained in this affidavit based upon the investigation that I have conducted and based on my conversations with other law enforcement officers who

have engaged in numerous investigations involving wildlife crimes.

4. Because this affidavit is being submitted for the limited purpose of securing the requested criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested criminal complaint and arrest warrant and does not purport to set forth all my knowledge of, or investigation into, this matter.

c. OVERVIEW OF STATUTORY SCHEME AND WILDLIFE PROTECTION PROVISIONS

5. The Convention on International Trade in Endangered Species ("CITES") is a treaty that provides protection to fish, wildlife, and plants that may become imperiled due to the demands of international markets. CITES has been signed by over 150 countries around the world, including the United States and Germany. CITES is implemented, and certain violations of CITES are made criminal, under the authority of the Endangered Species Act ("ESA") and the regulations promulgated thereunder. 16 U.S.C. § 1538(c)(1); 50 C.F.R. Parts 14 and 23.

6. CITES provides that with limited exceptions, it is unlawful for any person subject to the jurisdiction of the United States to import, export, re-export, or engage in international trade with any specimen of species listed in Appendix I, II, or II of CITES. 16 U.S.C. § 1538(c); 50 C.F.R. § 23.13(a).

Further, CITES provides that it is unlawful for any person subject to the jurisdiction of the United States to attempt to commit, solicit another to commit, or cause to be committed any of the foregoing offenses. 16 U.S.C. § 1538(g).

7. An animal species listed as protected within CITES cannot be imported into the United States without prior notification to, and approval from, the USFWS. Species protected under CITES are listed in a series of appendices (Appendices I, II, and III). The level of trade restrictions and regulations applicable to a particular species is governed by the specific appendix that the species is listed in.

8. All species of tarantulas belonging to the *Brachypelma* genus, including Mexican red-kneed tarantulas (*Brachypelma smithi*), are protected under CITES in Appendix II. Under Appendix II, a species may only be imported into the United States from a foreign country if, prior to importation, the importer possesses a valid foreign export permit issued by the country of origin or a valid foreign re-export certificate issued by the country of re-export.

9. The term "fish or wildlife" is defined in the ESA as "any member of the animal kingdom. . .and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof."

10. Federal law also requires that upon the importation of any wildlife, importers or their agents must file a completed Declaration for Importation or Exportation of Fish and Wildlife (Form 3-177) with the USFWS. 50 C.F.R. § 14.61. United States customs laws also prohibit importing wildlife contrary to law. For instance, 18 U.S.C. § 545 states, in pertinent part, that it is unlawful to fraudulently or knowingly import or bring into the United States any merchandise contrary to law.

D. THE INVESTIGATION - SHIPMENTS OF TARANTULAS FROM GERMANY TO THE UNITED STATES BY KOPPLER

11. During the execution of a search warrant on March 25, 2010, I interviewed a confidential source ("CS") regarding his or her business relationship and involvement with KOPPLER.¹ The CS told me that he was expecting a United States Postal Service ("USPS") package from KOPPLER containing live tarantulas that was inbound from Germany to Los Angeles, California ("SUBJECT PACKAGE 1").² The CS also told me that he purchased the tarantulas from KOPPLER and that KOPPLER shipped SUBJECT PACKAGE 1 to the CS. The CS told me that the tarantulas would not be declared to USFWS by KOPPLER.

¹ Based on the CS's statements and information I learned during the course of this investigation, the CS was purchasing tarantulas from KOPPLER, keeping some within the Central District for breeding purposes, and re-selling some to others both within and outside of the United States.

² KOPPLER is a German citizen who is believed to reside in Wachtberg, Germany.

12. On March 26, 2010, I obtained SUBJECT PACKAGE 1 from a mail carrier in Los Angeles, California. The CS gave written consent to search the package. A search was conducted and approximately 247 live tarantulas enclosed in plastic containers and colored plastic straws were found in SUBJECT PACKAGE 1. Of the 247 live tarantulas, 22 Mexican red-kneed tarantulas (Brachypelma smithi) were found in the package. Mexican red-kneed tarantulas are protected under CITES in Appendix II. In addition, the Mexican red-kneed tarantulas were mislabeled by KOPPLER as "A. Moderatum" (another species of tarantula that is not protected under CITES) on the outside of the plastic containers. However, there were not any A. Moderatum tarantulas found in the package. In addition, there were no CITES permits, customs forms, or invoices attached to or included in SUBJECT PACKAGE 1. I also conducted a search of the applicable USFWS database and discovered that no CITES permits were issued to import or bring the tarantulas into the United States, and none of the tarantulas were declared to USFWS.

13. On April 9, 2010, I interviewed the CS and he agreed to let me use his email address in a covert capacity to communicate with KOPPLER. I covertly contacted KOPPLER via email and on April 14, 2010, I ordered approximately 70 tarantulas, including 40 Brachypelma tarantulas which are listed in CITES Appendix II. On April 20, 2010, I received a USPS package in Torrance,

California, from KOPPLER that contained approximately 70 live tarantulas and one dead tarantula wrapped in colored plastic straws ("SUBJECT PACKAGE 2"). The 40 Brachypelma tarantulas in the straws were then packed in a plastic container and were mislabeled as non-CITES protected tarantulas. In addition, there were no CITES permits, customs forms, or invoices attached to or included in SUBJECT PACKAGE 2. I also conducted a search of the applicable USFWS database and discovered that no CITES permits were issued to import or bring the tarantulas into the United States, and none of the tarantulas were declared to USFWS.

14. I continued my covert communication with KOPPLER and on November 10, 2010, I purchased approximately 87 tarantulas, including 45 Brachypelma tarantulas, for approximately 2,400 Euros from KOPPLER. I then received the following packages from KOPPLER:

a. On November 18, 2010, I received and searched a USPS package in Torrance, California, from KOPPLER that contained 11 live tarantulas, including two Brachypelma tarantulas ("SUBJECT PACKAGE 3"). In addition, a Deutsche Post declaration form was attached to the outside of the package. It listed the package as a "geschenk" (German for "gift"). The contents were listed as "plastic canisters." KOPPLER also wrote the name PATRICK MULLER in the return address section of the package.

b. On November 22, 2010, I received and searched a USPS package in Torrance, California, from KOPPLER that contained 13 live tarantulas, including 9 Brachypelma tarantulas ("SUBJECT PACKAGE 4").

c. On November 24, 2010, USFWS SA Mona Iannelli received and searched a USPS package in Torrance, California, from KOPPLER that contained 51 live and three dead tarantulas, including 27 live Brachypelma tarantulas ("SUBJECT PACKAGE 5").

d. On November 24, 2010, USFWS SA Iannelli received and searched another USPS package in Torrance, California, from KOPPLER that contained nine live and two dead tarantulas, including eight Brachypelma tarantulas ("SUBJECT PACKAGE 6"). In addition, a Deutsche Post declaration form was attached to the outside of the package. It listed the package as a "geschenk" (German for "gift"). The contents were listed as "plastic canisters."

e. There were no CITES permits or invoices attached to or included in SUBJECT PACKAGES 3-6. I also conducted a search of the applicable USFWS database and discovered that no CITES permits were issued to import or bring the tarantulas into the United States, and none of the tarantulas were declared to USFWS. In addition, it appears that KOPPLER mislabeled the Brachypelma tarantulas in SUBJECT PACKAGES 3-6 as non-CITES protected tarantulas.

15. I examined KOPPLER'S PayPal records and discovered that KOPPLER had received thirteen payments from the CS between on or about April 16, 2009, and March 14, 2010. I obtained written consent from the CS in order to search his or her email account. Based on my review of the CS's emails, I discovered that KOPPLER sent the CS thirteen USPS packages containing live tarantulas (not including SUBJECT PACKAGES 2-6 that I ordered in a covert capacity). I also conducted a search of the applicable USFWS database and discovered that no CITES permits were issued to import or bring the tarantulas into the United States, and none of the tarantulas were declared to USFWS.

16. Based on my review of KOPPLER's PayPal records from 2003 through April 2010, it appears that KOPPLER has received over \$295,000 from tarantula sales to individuals in dozens of countries throughout the world, including approximately nine different individuals in the United States.

E. DEFENDANT'S ADMISSIONS

17. Based on my review of the CS's emails between on or about March 29, 2009, and March 27, 2010, before the covert investigation began, I found that KOPPLER stated the following, among other things, in various emails to the CS:

a. KOPPLER stated that when he shipped spiders, he intentionally mislabeled CITES protected tarantulas as non-CITES

protected tarantulas "just to be on the safer side for any cases."

b. KOPPLER stated that "it is illegal to ship any animals" to the United States and Canada.

c. KOPPLER gave the CS advice regarding various ways to prevent the authorities from discovering and seizing his shipments of spiders to the CS in the United States.

18. In my covert email contacts with KOPPLER between on or about April 9, 2010, and November 22, 2010, KOPPLER stated the following, among other things:

a. Sending light and small packages containing tarantulas is the best way to avoid customs detection around the world. When KOPPLER's customers showed concern that customs would seize the tarantulas, KOPPLER indicated that he would send the tarantulas in envelopes.

b. KOPPLER was scared about United States Customs and Border Protection ("Customs") finding his tarantulas and more concerned that he would get in bigger trouble because they were Brachypelma tarantulas. KOPPLER also said that he would not label the Brachypelma tarantulas.

c. KOPPLER was worried about the increased security standards due to the recent discovery of bombs found in parcel packages bound for the United States. KOPPLER stated that he had a friend who recently shipped scorpions to the United States via

the USPS after the bombs were found. KOPPLER stated that the scorpion package passed through Customs without any problems. KOPPLER predicted tougher security for the mail, but thought that Customs would never manage to search all of the packages because of the time and cost. KOPPLER also stated that Customs would never look through all of the packages because it would slow down German exports.

d. KOPPLER suggested that a future order of tarantulas should be split into four packages (referring to SUBJECT PACKAGES 3-6), sent on separate days, and sent to different mailing addresses to avoid detection by Customs.

e. KOPPLER admitted to using the fake name PATRICK MULLER for the return address of SUBJECT PACKAGES 3-5. KOPPLER mentioned that one particular post office knew him by the name MICHAEL MULLER, another fake name. KOPPLER stated that he used that post office when he needed to send risky packages to South Africa.

19. On November 9, 2010, the CS gave me consent to monitor a phone call between KOPPLER and the CS in which they discussed a future order of tarantulas. KOPPLER said the following, among other things:

a. KOPPLER explained that he would mark the Brachypelma tarantulas as Aphonopelmas tarantulas, another

species of tarantula that is not protected under CITES, because Customs would not recognize the difference in species.

b. KOPPLER then recommended that the CS not use his/her mailing address in order to receive the package of tarantulas. KOPPLER also suggested that the packages be sent on different days to avoid suspicion. KOPPLER said that using a bigger box to send the tarantulas might be more risky and that packing them in small packages would be safer.

c. KOPPLER stated that he could send spiders legally through cargo within Germany, but he would have to falsify the invoice because anything over 1,000 Euros requires special customs declarations.

d. KOPPLER stated that carrying tarantulas in his luggage for his scheduled trip to Los Angeles would probably work nine out of ten times, but decided that it was not a good idea because there was still a chance that he would get caught. KOPPLER then stated "I am a foreigner and they will probably put me in prison. You have special laws. You have other laws that we don't have [in Germany]."

e. KOPPLER stated that he received a package of tarantulas from South Africa recently, but the package was in transit for two months so nearly all of the tarantulas were dead by the time it arrived. KOPPLER went to German customs to retrieve the package and customs officers asked him to open it.

Once they saw dead spiders, the customs officers were very angry with KOPPLER and warned him not to do it again. KOPPLER stated that his friend in South Africa collected the 20 adult tarantulas so that KOPPLER could sell them for good money. KOPPLER stated that the spiders were protected in South Africa, but that the German officers were not aware of the protection status.

f. KOPPLER stated that CITES permits are required to import Brachypelma tarantulas into the United States. The CS asked KOPPLER what would happen in Germany if KOPPLER got caught without a CITES permit. KOPPLER stated that it would be the same as in the United States. KOPPLER stated that CITES was a "stupid law" but a "good idea."

g. KOPPLER stated that he had sent the CS approximately 10 to 15 tarantula parcels without trouble. KOPPLER said that Canadian customs caught one of his tarantula packages because he was sending packages every day to Canada. KOPPLER stated that in North America and South America "it is all illegal to get them in and get them out."

h. KOPPLER stated that he could not imagine that Customs could look through every package because it would severely delay the timeliness of parcel deliveries. KOPPLER stated that sending tarantulas through the mail is "always a risk."

F. CONFIRMATION OF DEFENDANT'S IDENTITY

20. On August 27, 2010, I received a German identification photo of SVEN KOPPLER from the German Customs Investigation Bureau. On October 31, 2010, KOPPLER sent me a photo of himself through the CS's email account. That photo appears to depict the same individual that is in the German identification photo.

21. In addition, in order to confirm that KOPPLER was the person sending the various emails discussed above, the CS and KOPPLER had a specific discussion regarding past email conversations during the November 9, 2010, phone call that I monitored.

G. CONCLUSION

22. Based on the facts set forth herein, and based on my training, education, experience, and participation in this investigation, there is probable cause to believe that SVEN KOPPLER has violated Title 18, United States Code, Section 545 (Importing Wildlife Contrary to Law), and Title 18, United States Code, Section 2(b) (Causing an Act to be Done).



Paul Montuori
Special Agent, USFWS

Subscribed and sworn to before me
this 1 day of December, 2010.

Frederick F. Mumm

HONORABLE FREDERICK F. MUMM
UNITED STATES MAGISTRATE JUDGE

**United States District Court
Central District of California**

UNITED STATES OF AMERICA vs.

Defendant KOPPLER, Sven

Syen Holger Koppler; Michael Miller;
akas: Patrick Muller; Sven Koeppeler

Docket No. CR 10-01338-SJO

Social Security No. N_o_n_e

(Last 4 digits)

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
May	16,	2011

COUNSEL

Neha A. Mehta, DFPD

(Name of Counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea. **NOLO**
CONTENDERE **NOT**
GUILTY

FINDING

There being a finding/verdict of **GUILTY**, defendant has been convicted as charged of the offense(s) of:
18 U.S.C. §§ 545, 2(b): Importing Wildlife Contrary to Law, Causing an Act to be Done as charged in count two of the information.

**JUDGMENT
AND PROB/
COMM
ORDER**

The Court asked whether there was any reason why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of:

It is ordered that the defendant shall pay to the United States a special assessment of \$100, which is due immediately.

It is ordered that the defendant shall pay to the United States a total fine of \$4,000.00, which shall bear interest as provided by law.

Pursuant to the Endangered Species Act, 16 U.S.C. § 1540(d), the Clerk of the Court shall direct payment of the fine to the Lacey Act Reward Account. The Treasury check shall be sent from the Clerk of the Court to:

United States Fish and Wildlife Service
Division of Financial Management / Denver Operations
Cost Accounting
P.O. Box 272065
Denver, CO 80227
FUND - 122X (Lacey Act Reward Account)
Organizational Code - 99000

The fine shall be paid in full immediately.

The defendant shall comply with General Order No. 01-05.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, Sven Koppler, is hereby committed on Count 2 of a 9-Count Information to the custody of the Bureau of Prisons to be imprisoned for a term of six months (one hundred eighty day). Defendant shall be given credit for time served.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three years under the following terms and conditions:

1. The defendant shall comply with the rules and regulations of the U. S. Probation Office and General Order 05-02;
2. The defendant shall not commit any violation of local, state or federal law or ordinance;
3. During the period of community supervision the defendant shall pay the special assessment and fine in accordance with this judgment's orders pertaining to such payment;
4. The defendant shall cooperate in the collection of a DNA sample from the defendant; and
5. The defendant shall comply with the immigration rules and regulations of the United States, and if deported or removed from this country, either voluntarily or involuntarily, not reenter the United States illegally. The defendant is not required to report to the Probation Office while residing outside of the United States; however, within 72 hours of release from any custody or any reentry to the United States during the period of Court-ordered supervision, the defendant shall report for instructions to the United States Probation Office, located at:

United States Court House
312 North Spring Street, Room 600
Los Angeles, California 90012

It is further ordered that the defendant surrender himself to the institution designated by the Bureau of Prisons on or before 12 noon, June 16, 2011. In the absence of such designation, the defendant shall report on or before the same date and time, to the United States Marshal located at: Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012.

The Court recommends that the defendant shall be incarcerated at or as close as possible to a facility at Virginia Beach, Virginia.

In the interest of justice the Court Grants the government's motion to dismiss all remaining counts of the information.

The Court advises the defendant of his right to appeal this sentence.

USA vs. **KOPPLER, Sven**Docket No.: **CR 10-01338-SJO**

The bond shall be exonerated upon surrender.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

May 16, 2011

Date

S. James Otero

U. S. District Judge/Magistrate Judge

S. James Otero

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Clerk, U.S. District Court

May 16, 2011

Filed Date

By Victor Paul Cruz

Deputy Clerk

Victor Paul Cruz

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. 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;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. 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, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. 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;
11. 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;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. 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;
14. 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 conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure; and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

USA vs. **KOPPLER, Sven**Docket No.: **CR 10-01338-SJO**

Defendant delivered on _____ to _____
 Defendant noted on appeal on _____
 Defendant released on _____
 Mandate issued on _____
 Defendant's appeal determined on _____
 Defendant delivered on _____ to _____
 at _____
 the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

By _____

 Date Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

By _____

 Filed Date Deputy Clerk

FOR U.S. PROBATION OFFICE USE ONLY

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) 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.

(Signed) _____ Date _____
 Defendant

U. S. Probation Officer/Designated Witness Date _____