

U.S. District Court, District of New Jersey (Trenton)  
CRIMINAL DOCKET FOR CASE #: 3:15-cr-00196-FLW-1

**USA v. Boye**

Date filed 04/28/2015 Date Terminated: 10/15/2015

Previous Magistrate judge case number: 2:14-mj-07086-CLW, filed 06/18/2014

**Defendant: Bobby Boye**

*also known as Bobby Ajiboye and Bobby Aji-Boye*

Assigned to: Judge Freda L. Wolfson

**Pending Counts 18:1349 ATTEMPT AND CONSPIRACY TO COMMIT MAIL FRAUD (3/2012 - 5/2013)**

**Highest Offense Level (Opening) Felony**

**Disposition** Imprisonment: 72 Months; Supervised Release: 3 Years w/special conditions. S.A. \$100

**Complaints 18:1349.F WIRE FRAUD**

**Attorneys**

**SHIRLEY UCHENNA EMEHELU**

OFFICE OF THE U.S. ATTORNEY, DISTRICT OF NEW JERSEY

970 BROAD STREET, SUITE 700, NEWARK, NJ 07102 USA

973-645-2700 shirley.emehelu@usdoj.gov

*Assigned: 06/18/2014*

**LEAD ATTORNEY & ATTORNEY TO BE NOTICED**

Designation: Assistant US Attorney

**~~BARBARA WARD~~**

~~OFFICE OF THE U.S. ATTORNEY~~

~~970 BROAD STREET, NEWARK, NJ 07102~~

~~973-645-2700 barbara.ward@usdoj.gov~~

~~TERMINATED: 04/25/2017~~

**~~PETER W. GAETA~~**

~~OFFICE OF THE U.S. ATTORNEY~~

~~970 BROAD STREET, SUITE 700~~

~~NEWARK, NJ 07102~~

~~(973) 645-2927 Email: peter.gaeta@usdoj.gov~~

~~TERMINATED: 04/25/2017~~

representing **USA**  
(Plaintiff)

**JAFER AFTAB**

OFFICE OF THE US ATTORNEY

970 BROAD STREET, SUITE 700

NEWARK, NJ 07102

(973) 645-2892 Email: jafer.atab@usdoj.gov

**LEAD ATTORNEY; ATTORNEY TO BE NOTICED**

Designation: Assistant US Attorney

---

**~~JOSEPH PAUL REM, JR.~~**

~~REM, ZELLER AND ASSOCIATES, P.C.~~

~~25 EAST SALEM STREET, SUITE 400, HACKENSACK, NJ 07601 USA~~

~~(201) 488-1234 jrem@remzeller.com~~

~~Assigned: 06/20/2014~~

~~LEAD ATTORNEY & ATTORNEY TO BE NOTICED~~

~~TERMINATED: 11/12/2014~~

representing **Bobby Boye**  
(defendant)

*On 12 November 2014, Rem was replaced by:*

**K. ANTHONY THOMAS**

OFFICE OF THE FEDERAL PUBLIC DEFENDER

972 BROAD STREET, 4TH FLOOR, NEWARK, NJ 07102

(973) 645-6347 Email: anthony\_thomas@fd.org

~~LEAD ATTORNEY & ATTORNEY TO BE NOTICED~~

~~Designation: Public Defender or Community Defender Appointment~~

TERMINATED: 11/16/2015

***On 16 November 2015, Boye hired a private attorney for his appeal:***

**MICHAEL CONFUSIONE**

Hegge & Confusione, LLC

P.O. Box 366, Mullica Hill, NJ 08062-0366

800-790-1550 mc@heggelaw.com

---

**Intervenor**

**PUBLIC TAX**

**INVESTMENTS, LLC**

represented by

**ANTHONY L. VELASQUEZ**

575 ROUTE 70, 2ND FLOOR

P.O. BOX 1030

BRICK, NJ 08723

732-961-9991 Email: avelasquez@tryko.com

**LEAD ATTORNEY; ATTORNEY TO BE NOTICED**

*Designation: Retained*

---

**Interested Party**

**CRESCENT HOLLOW**

**CONDOMINIUM**

**ASSOCIATION, INC.**

represented by

**ZAHID N. QURAISHI**

RIKER DANZIG SCHERER HYLAND & PERRETTI LLP

HEADQUARTERS PLAZA

ONE SPEEDWELL AVENUE

MORRISTOWN, NJ 07962

973-538-0800 Email: zquraishi@riker.com

**LEAD ATTORNEY; ATTORNEY TO BE NOTICED**

*Designation: Retained*

---

**Interested Party**

**PUBLIC TAX**

**INVESTMENTS, LLC**

represented by

**ANTHONY L. VELASQUEZ**

(See above for address)

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

*Designation: Retained*

**Date Filed # Docket Text**

06/18/2014 [1](#) SEALED COMPLAINT as to Bobby Boye (1). (tjg, ) (Entered: 06/18/2014)

06/18/2014 [3](#) Order to Seal Case as to Bobby Boye. Signed by Magistrate Judge Cathy L. Waldor on 6/18/14.(tjg, )

06/20/2014 [4](#) Minute Entry for proceedings held before Magistrate Judge Mark Falk: Initial Appearance as to Bobby Boye held on 6/20/2014, deft. advised of rights; preliminary hearing waived; notice of appearance - deft. counsel; Bond Hearing as to Bobby Boye held on 6/20/2014, Bond set as to Bobby Boye (1) \$1,500,000 Appearance Bond secured through property; etc. (CD #ECR.) (LM, ) (LM). (Entered: 07/02/2014)

06/20/2014 [5](#) ORDER Setting Conditions of Release as to Bobby Boye (1) \$1,500,000 Appearance Bond secured through property (Finance notified). Signed by Magistrate Judge Mark Falk on 6/20/14. (LM, ) (Entered: 07/02/2014)

07/02/2014 [6](#) ORDER TO CONTINUE - Ends of Justice as to Bobby Boye Time excluded from 6/23/14 until 8/22/14. Signed by Magistrate Judge Cathy L. Waldor on 7/2/14. (tjg,)

08/12/2014 [7](#) ORDER TO CONTINUE - Ends of Justice as to Bobby Boye Time excluded from 8/23/14 until 10/22/14. Signed by Magistrate Judge Cathy L. Waldor on 8/12/14. (tjg, )

10/21/2014 [8](#) ORDER TO CONTINUE - Ends of Justice as to Bobby Boye Time excluded from 10/23/14 until 12/22/14. Signed by Magistrate Judge Cathy L. Waldor on 10/21/14. (tjg, )

10/23/2014 [9](#) Letter from parties requesting Modification of Bail Conditions re Bond (Attachments: # 1 Exhibit A -C, # 2 Text of Proposed Order)(FARRELL, LEAH)

10/30/2014 [10](#) ORDER Modifying Conditions of Release as to Bobby Boye (1) 1,500,000.00 SECURED (Finance notified- monies to be posted, Affidavit of Cash Surety Executed, from sale of property in previous bond, the court shall remove the lien as listed in the amended order). Signed by Magistrate Judge Cathy L. Waldor on 10/30/14. (Attachments: # 1 ATTY CONSENT ORDER) (tjg, )

10/30/2014 [11](#) ORDER as to Bobby Boye permitting funds to be deposited with USDC Newark NJ.. Signed by Magistrate Judge Cathy L. Waldor on 10/30/14. (tjg, )

10/30/2014 SECURED Bond Entered as to Bobby Boye in amount of \$1,500,000, secured with \$500,000 in cash. (tjg,)

11/12/2014 [12](#) Minute Entry for proceedings held before Magistrate Judge Cathy L. Waldor: Attorney Appointment Hearing as to Bobby Boye held on 11/12/2014 (Court Reporter/Recorder ECR.) (tjg, )

11/12/2014 [14](#) ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Bobby Boye K. ANTHONY THOMAS for Bobby Boye appointed. Attorney JOSEPH PAUL REM, Jr terminated. Signed by Magistrate Judge Cathy L. Waldor on 11/12/14. (tjg, )

12/30/2014 [15](#) ORDER TO CONTINUE - Ends of Justice as to Bobby Boye Time excluded from 12/23/2014 until 2/20/2015. Signed by Magistrate Judge Michael A. Hammer on 12/30/2014. (jqb, )

01/16/2015 [16](#) NOTICE OF ATTORNEY APPEARANCE BARBARA WARD appearing for USA. (with regard to the forfeiture matters and for notice purposes) (WARD, BARBARA)

02/18/2015 [17](#) ORDER TO CONTINUE - Ends of Justice as to Bobby Boye Time excluded from 2/21/15 until 4/22/15.. Signed by Magistrate Judge Cathy L. Waldor on 2/18/15. (tjg, ) [2:14-mj-07086-CLW]

04/16/2015 [18](#) ORDER TO CONTINUE - Ends of Justice as to Bobby Boye Time excluded from 4/16/15 until 6/22/15.. Signed by Magistrate Judge Cathy L. Waldor on 4/16/15. (tjg, ) [2:14-mj-07086-CLW]

04/28/2015 [19](#) INFORMATION as to Bobby Boye (1) count(s) 1. (jg, )

04/28/2015 Notice of Allocation and Assignment as to Bobby Boye (Trenton - Freda L. Wolfson, U.S.D.J.) (jg, )

04/28/2015 [20](#) WAIVER OF INDICTMENT by Bobby Boye (jg, )

04/28/2015 [21](#) Minute Entry for proceedings held before Judge Freda L. Wolfson:Initial Appearance on Information as to Bobby Boye held on 4/28/2015, Plea Agreement Hearing held on 4/28/2015, Guilty Plea entered as to Count 1., ( Sentencing set for 8/13/2015 10:00 AM in Trenton - Courtroom 5E before Judge Freda L. Wolfson.) Bail continued as previously set. (Court Reporter/Recorder Vincent Russoniello.) (jg, )

04/28/2015 [22](#) APPLICATION for permission to enter Plea of guilty as to Bobby Boye. (jg, )

04/28/2015 [23](#) PLEA AGREEMENT as to Bobby Boye (jg, ) (Entered: 04/28/2015)

04/28/2015 [24](#) NOTICE OF ATTORNEY APPEARANCE BARBARA WARD appearing for USA. (with regard to the forfeiture matters and for notice purposes) (WARD, BARBARA)

07/08/2015 [25](#) Letter from USA Requesting Adjournment of Sentencing (EMEHELU, SHIRLEY)

07/08/2015 Reset Hearings as to Bobby Boye: Sentencing set for 10/15/2015 11:00 AM in Trenton - Courtroom 5E before Judge Freda L. Wolfson. (jg, )

07/16/2015 [26](#) Consent Judgment of Forfeiture as to Bobby Boye. (Finance notified). Signed by Judge Freda L. Wolfson

10/15/2015 [27](#) Minute Entry for proceedings held before Judge Freda L. Wolfson: Sentencing held on 10/15/2015 for Bobby Boye (1), Count 1, Imprisonment: 72 Months; Supervised Release: 3 Years w/special conditions. S.A. \$100, Restitution: \$3,510,000.00, interest waived; Fine Waived; Forfeiture Ordered; Deft. to voluntarily surrender to the designated institution. Defendant Released. (Court Reporter/Recorder Vincent Russoniello.) (jg, )

**Date Filed # Docket Text**

10/15/2015 [28](#) CORRECTED Consent Judgment of Forfeiture as to Bobby Boye. (Finance notified). Signed by Judge Freda L. Wolfson on 10/15/2015. (mmh)

10/15/2015 [29](#) JUDGMENT as to Bobby Boye (1), Count 1, Imprisonment: 72 Months; Supervised Release: 3 Years with special conditions. Special Assessment \$100.00 (Finance notified). Signed by Judge Freda L. Wolfson

10/27/2015 [30](#) NOTICE OF FORFEITURE as to Bobby Boye (WARD, BARBARA)

11/16/2015 [31](#) NOTICE OF ATTORNEY APPEARANCE: MICHAEL CONFUSIONE appearing for Bobby Boye Defendant/Appellant Attorney K. ANTHONY THOMAS terminated. (CONFUSIONE, MICHAEL)

11/16/2015 [32](#) NOTICE OF APPEAL by Bobby Boye The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (Finance notified) (CONFUSIONE, MICHAEL)

11/16/2015 [33](#) First MOTION for Extension of Time to File *Notice of Appeal* by Bobby Boye. (Attachments: # [1](#) Affidavit of Defendant, # [2](#) Text of Proposed Order proposed order)(CONFUSIONE, MICHAEL)

11/17/2015 Set Deadlines re Motion in case as to Bobby Boye [33](#) First MOTION for Extension of Time to File *Notice of Appeal*. Motion set for 12/21/2015 before Judge Freda L. Wolfson. The motion will be decided on the papers. No appearances required unless notified by the court. (mmh)

11/18/2015 USCA Appeal Fees received \$505, receipt number TRE063468 as to Bobby Boye re [32](#) Notice of Appeal - Final Judgment (Finance notified). (mmh)

12/04/2015 [35](#) NOTICE of Appearance of Zahid Quraishi on behalf of Petitioner Crescent Hollow Condominium Association as to Bobby Boye (QURAISHI, ZAHID)  
There is no docket entry 36 or 38 – they were errors in the filing system..

12/07/2015 [37](#) Letter from Petition of Crescent Hollow Condominium Association Inc. in Response to Notice of Forfeiture re 30 Notice (Other) (QURAISHI, ZAHID)

12/08/2015 [39](#) Notice by U.S. Attorney's Office requesting cancellation of Recognizance Number NEW4784, as to Bobby Boye, in the amount of \$500,000.00. (EMEHU, SHIRLEY)

12/17/2015 [40](#) ORDER for Return of Deposit of Bail as to Bobby Boye. (Finance Notified). Signed by Judge Freda L. Wolfson

12/21/2015 [41](#) Transcript of PLEA Proceedings as to Bobby Boye held on 4/28/2015, before Judge Freda L. Wolfson. Court Reporter - Vincent Russoniello (609-588-9516). Transcript may be viewed at the court public terminal or purchased through the Court Reporter only. (jjc) (Entered: 12/22/2015)

12/21/2015 [42](#) Transcript of SENTENCE Proceedings as to Bobby Boye held on 10/15/2015, before Judge Freda L. Wolfson. Court Reporter - Vincent Russoniello (609-588-9516). Transcript may be viewed at the court public terminal or purchased through the Court Reporter only. (jjc) (Entered: 12/22/2015)

01/05/2016 Set Hearings as to Bobby Boye: Ancillary Hearing set for 2/18/2016 11:00 AM in Trenton - Courtroom 5E before Judge Freda L. Wolfson. (jg, )

01/12/2016 [43](#) ORDER granting [33](#) Motion for Extension of Time to File Notice of Appeal as to Bobby Boye (1). Signed by Judge Freda L. Wolfson on 1/12/2016. (mmh)

02/02/2016 [44](#) Affirmation of *Publication* on behalf of USA (WARD, BARBARA) (Entered: 02/02/2016)

Additional docket entries from the Appellate court, which decided against Boye's appeal, are at [http://www.laohamutuk.org/econ/corruption/Boye/Appeal/15-3779\\_importantJan2016.pdf](http://www.laohamutuk.org/econ/corruption/Boye/Appeal/15-3779_importantJan2016.pdf)

2/16/2016 Set/Reset Ancillary Hearings as to Bobby Boye: rescheduled to 3/8/2016 10:00 AM in Trenton - Courtroom 5E before Judge Freda L. Wolfson. (jg, ) (Entered: 02/16/2016)

02/19/2016 [45](#) MANDATE of USCA (certified copy) as to Bobby Boye re 32 Notice of Appeal - Final Judgment (Finance notified), (Finance notified) (ca3cjc) (Entered: 02/19/2016)

03/01/2016 Set Hearings as to Bobby Boye: Ancillary Hearing rescheduled to 3/30/2016 10:00 AM in Trenton - Courtroom 5E before Judge Freda L. Wolfson. (jg, ) (Entered: 03/01/2016)

04/18/2016 [46](#) NOTICE OF ATTORNEY APPEARANCE PETER W. GAETA appearing for USA. with regard to the forfeiture matters and for notice purposes (Entered: 04/18/2016)

06/15/2016 [47](#) Letter from AUSA Barbara A. Ward requesting endorsement of Stipulation and Order of Settlement with Crescent Hollow Condominium Association, Inc. (Entered: 06/15/2016)

06/16/2016 [48](#) Stipulation and Order of Settlement re: Crescent Hollow Condominium Association, Inc. as to Bobby Boye. Signed by Judge Freda L. Wolfson on 6/16/2016. (mmh) (Entered: 06/16/2016)

09/28/2016 [49](#) MOTION to Vacate Sentence *per* 28 USC 2255 ( Civil Action 3:15-cr-00196 (F. Wolfson)). by Bobby Boye. (Attachments: # [1](#) Brief, # [2](#) Affidavit, # [3](#) Exhibit, # [4](#) Exhibit, # [5](#) Exhibit, # [6](#) Exhibit, # [7](#) Exhibit, # [8](#) Exhibit, # [9](#) Exhibit, # [10](#) Exhibit, # [11](#) Exhibit, # [12](#) Exhibit, # [13](#) Exhibit, # [14](#) Exhibit, # [15](#) Exhibit, # [16](#) Exhibit, # [17](#) Exhibit, # [18](#) Exhibit, # [19](#) Exhibit, # [20](#) Exhibit, # [21](#) Exhibit, # [22](#) Exhibit, # [23](#) Exhibit, # [24](#) Exhibit)(CONFUSIONE, MICHAEL) (Entered: 09/28/2016)

**Date Filed # Docket Text**

---

09/28/2016 **CLERK'S QUALITY CONTROL MESSAGE:** The [49](#) Motion to Vacate filed by Michael Confusione on 9/28/2016 was submitted incorrectly as a Motion in a Criminal Case. Please be advised, for future reference, this document should have been filed as a new civil action. The Clerk will file this Motion as a separate civil action and Counsel will be notified of the case number. This submission will remain on the docket unless otherwise ordered by the court. (jjc) (Entered: 09/28/2016)

---

09/28/2016 Notice of Motion to Vacate Sentence under Sec. 2255 filed on 9/28/2016, Civil Action 16-6024 (FLW), as to Bobby Boye. (jem) (Entered: 09/28/2016)

---

The Motion to Vacate began a separate civil case, and its docket entries follow on the next page.

---

04/25/2017 [50](#) Substitution of Attorney - Attorney JAFER AFTAB for USA added. Attorney PETER W. GAETA and BARBARA WARD terminated. (AFTAB, JAFER) (Entered: 04/25/2017)

---

04/25/2017 [51](#) Letter from United States (Attachments: # [1](#) Text of Proposed Order First Final Order of Forfeiture)(AFTAB, JAFER) (Entered: 04/25/2017)

---

04/26/2017 [52](#) FIRST FINAL ORDER OF FORFEITURE (AS TO CERTAIN SPECIFIC PROPERTIES) as to Bobby Boye. (Finance notified). Signed by Judge Freda L. Wolfson on 4/26/2017. (km) (Entered: 04/28/2017)

---

05/02/2017 [53](#) NOTICE of Appearance as to Bobby Boye (VELASQUEZ, ANTHONY) (Entered: 05/02/2017)

---

05/04/2017 [54](#) PETITION for Hearing to Adjudicate Priority of Tax Lien Interest by PUBLIC TAX INVESTMENTS, LLC (Attachments: # [1](#) Memorandum of Law in Support of Petition, # [2](#) Certification, # [3](#) Text of Proposed Order, # [4](#) Proof of Service, # [5](#) Cover Letter, # [6](#) Envelope)(km) (Entered: 05/04/2017)

---

05/05/2017 Set Deadlines for [54](#) MOTION/PETITION to Adjudicate Priority of Tax Lien Interest. Motion set for 6/5/2017 before Judge Freda L. Wolfson. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (km) (Entered: 05/05/2017)

---

05/12/2017 [55](#) REPLY TO RESPONSE to Motion by Bobby Boye re [49](#) MOTION to Vacate Sentence *per* 28 USC 2255 (Civil Action 3:15-cr-00196 (F. Wolfson)). (CONFUSIONE, MICHAEL) (Entered: 05/12/2017)

---

05/18/2017 **CLERK'S QUALITY CONTROL MESSAGE:** The [54](#) Motion date for the PETITION for Hearing to Adjudicate Priority of Tax Lien Interest by PUBLIC TAX INVESTMENTS, LLC has been terminated at the at the direction of Chamber's. (km) (Entered: 05/18/2017)

---

06/26/2017 [56](#) USM285 re: First Final Order of Forfeiture. (mmh) (Entered: 06/26/2017)

---

06/26/2017 [58](#) PETITION for Hearing by US BANK (km) (Entered: 07/06/2017)

---

07/06/2017 **CLERK'S QUALITY CONTROL MESSAGE -** Robert A. Del Vecchio, Esq. appears to not have a correct mailing address listed with the Court. Please update your address information. This message is for informational purposes only. (km) (Entered: 07/06/2017)

---

07/06/2017 [57](#) Notice to ROBERT A. DEL VECCHIO re mandatory eFiling. (km) (Entered: 07/06/2017)

---

08/07/2017 [59](#) Letter from United States re [28](#) Order for Forfeiture of Property (Attachments: # [1](#) Text of Proposed Order Partial Vacatur of corrected consent judgment of forfeiture)(AFTAB, JAFER) (Entered: 08/07/2017)

---

08/14/2017 [60](#) Partial Vacatur of Corrected Consent Judgment of Forfeiture and Preliminary Order of Forfeiture of Property as to Bobby Boye. (Finance notified), Signed by Judge Freda L. Wolfson on 8/13/2017. (mmh) (Entered: 08/14/2017)

---

10/06/2017 [61](#) Letter from United States (Attachments: # [1](#) Text of Proposed Order Stipulation and Consent Amendment to First Final Order of Forfeiture)(AFTAB, JAFER) (Entered: 10/06/2017)

---

10/06/2017 [62](#) Letter from United States (Attachments: # [1](#) Text of Proposed Order Proposed Second Final Order of Forfeiture)(AFTAB, JAFER) (Entered: 10/06/2017)

---

10/10/2017 [63](#) STIPULATION and CONSENT AMENDMENT ORDER to the First Final Order of Forfeiture (as to certain specific properties) as to Bobby Boye, (Finance Notified). Signed by Judge Freda L. Wolfson on 10/10/2017. (km) (Entered: 10/10/2017)

---

10/10/2017 [64](#) SECOND FINAL ORDER OF FORFEITURE (as to the real property known as 25 Crescent Hollow Court, Ramsey, New Jersey) as to Bobby Boye, (Finance Notified). Signed by Judge Freda L. Wolfson on 10/10/2017. (km) (Entered: 10/10/2017)

---

11/17/2017 [65](#) USM285 as to Bobby Boye re [60](#) Partial Vacatur of Corrected Consent Judgment of Forfeiture and Preliminary Order of Forfeiture of Property.(mmh) (Entered: 11/20/2017)

The Motion to Vacate Sentence began a new case, and La'o Hamutuk's narrative discussion of it begins at <http://www.laohamutuk.org/econ//corruption/Boye/14BoyeCase.htm#vacate> :

**U.S. District Court, District of New Jersey (Trenton)**

**CIVIL DOCKET FOR CASE #: 3:16-cv-06024-FLW**

BOYE v. UNITED STATES OF AMERICA

Assigned to: Judge Freda L. Wolfson

Related Case: 3:15-cr-00196-FLW-1

Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 09/28/2016

Date Terminated: 11/20/2018

Jury Demand: None

Nature of Suit: 510 Prisoner: Vacate Sentence

Jurisdiction: U.S. Government Defendant

**Petitioner**

**BOBBY BOYE**

*also known as* BOBBY AJIBOYE

*also known as* BOBBY AJI-BOYE

V.

**Respondent**

**UNITED STATES OF AMERICA**

represented by **MICHAEL CONFUSIONE**

HEGGE & CONFUSIONE, LLC

P.O. Box 366, Mullica Hill, NJ 08062-0366

800-790-1550 Fax: 888-963-8864 Email: mc@heggelaw.com

LEAD ATTORNEY, ATTORNEY TO BE NOTICED

represented by **ERIC W. MORAN**

Office of the U.S. Attorney, District of New Jersey

402 East State Street, Room 430, Trenton, NJ 08540

609-989-2190 Email: eric.moran@usdoj.gov

TERMINATED: 09/28/2016

**SHIRLEY UCHENNA EMEHELU**

OFFICE OF THE U.S. ATTORNEY, DISTRICT OF NEW JERSEY

970 BROAD STREET, SUITE 700, NEWARK, NJ 07102

973-645-2700 Email: shirley.emehelu@usdoj.gov

LEAD ATTORNEY, ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/28/2016	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (2255) In Re to Criminal Case file 15-196 (FLW), filed by BOBBY BOYE. (Attachments: # <u>1</u> Brief, # <u>2</u> Affidavit, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M, # <u>16</u> Exhibit N, # <u>17</u> Exhibit O, # <u>18</u> Exhibit P, # <u>19</u> Exhibit Q, # <u>20</u> Exhibit R, # <u>21</u> Exhibit S, # <u>22</u> Exh. T, # <u>23</u> Exh. U, # <u>24</u> Exh. V)
09/28/2016	<u>2</u>	Substitution of Attorney - Attorney ERIC W. MORAN terminated. Attorney SHIRLEY UCHENNA EMEHELU for UNITED STATES OF AMERICA added.
11/03/2016	<u>3</u>	ORDER TO ANSWER. Signed by Judge Freda L. Wolfson on 11/3/2016
12/07/2016	<u>4</u>	First MOTION for Extension of Time to File Answer re <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255),, by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order) (EMEHELU, SHIRLEY)
12/08/2016		<b>CLERK'S QUALITY CONTROL MESSAGE</b> - The <u>4</u> Letter Application for an Extension of Time filed by Shirley Emehelu on 12/7/2016 was submitted incorrectly as a Motion. Please be advised, for future reference, this document should have been filed using the event Application/Petition found under Civil - Other Filings - Other Documents. The deadlines created by this incorrect filing have been terminated. This submission will remain on the docket unless otherwise ordered by the court.
12/08/2016	<u>5</u>	ORDER that the Respondent shall file a response to said Petition by 3/17/2017; Petitioner to file any reply by 4/20/2017. Signed by Judge Freda L. Wolfson on 12/8/2016.
03/01/2017	<u>7</u>	Certification of Supplemental Cert of Bobby Boye on behalf of BOBBY BOYE Re <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255),, (CONFUSIONE, MICHAEL)
03/07/2017	<u>8</u>	Letter from United States Requesting Extension of Time to File Response to 28 U.S.C. Section 2255 Petition. (Attachments: # <u>1</u> Text of Proposed Order)(EMEHELU, SHIRLEY)
03/15/2017	<u>9</u>	ORDER: It is ORDERED that the Respondent shall file a response to said Petition on or before April 7, 2017; Petitioner shall file any reply on or before May 12, 2017. Signed by Judge. Wolfson 3/15/2017.
04/06/2017	<u>10</u>	Answer to Motion to Vacate (2255) by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order)(EMEHELU, SHIRLEY) (Entered: 04/06/2017)
05/12/2017	<u>55</u>	REPLY TO RESPONSE to Motion by Bobby Boye re <u>49</u> MOTION to Vacate Sentence <i>per</i> 28 USC 2255 (Civil Action 3:15-cr-00196 (F. Wolfson)). (CONFUSIONE, MICHAEL) (Entered: 05/12/2017) [This reply was posted to the docket for the original case, not the Motion to vacate -LH]
03/22/2018	<u>11</u>	Letter from Counsel for Defendant. (CONFUSIONE, MICHAEL) (Entered: 03/22/2018)
08/02/2018	<u>12</u>	Letter from Counsel for Petitioner Bobby Boye. (CONFUSIONE, MICHAEL) (Entered: 08/02/2018)
11/20/2018	<u>13</u>	DECLARATION of Bobby Boye, in reply to US Response to Petition re <u>10</u> Answer to Motion to Vacate 2255 by BOBBY BOYE. (CONFUSIONE, MICHAEL) (Entered: 11/20/2018)
11/20/2018	<u>14</u>	OPINION filed. Signed by Judge Freda L. Wolfson on 11/20/2018. (mmh) (Entered: 11/20/2018)
11/20/2018	<u>15</u>	ORDER that Petitioner's motion to vacate, set aside, or correct his sentence, under 28 U.S.C. § 2255, is DENIED on the merits; that a Certificate of Appealability is DENIED; that the Clerk shall mark this case as CLOSED. Signed by Judge Freda L. Wolfson on 11/20/2018. (mmh) (Entered: 11/20/2018)



## Additional notes from La'o Hamutuk

Bobby Boye used his residence at 720 Apple Ridge Road, Franklin Lakes, New Jersey 07417 USA to guarantee the \$1.5 million dollar bond he was ordered to post before being conditionally released on 20 June 2014. Prior to his arrest, he had been trying to sell the house, but the real estate agent informed La'o Hamutuk on 28 June 2014 that it was "temporarily off the market as of yesterday."

This property is residential, 0.9330 acres in size. The house was built in 1988.

720 APPLE RIDGE ROAD was last sold for \$1,900,000 on December 1, 2011.

In 2012 and 2013, this land was assessed at \$436,600 and improvements were assessed at \$1,793,200, for a total of \$2,229,800.

In October 2014, New Jersey Family Court informed the Federal Criminal Court that Boye was not the owner of this house and could not legally put it up as bond, as half of the proceeds of selling it were to go to his former wife as part of their divorce settlement. The court modified the conditions of the pretrial release, with the wife's attorney guaranteeing that \$500,000 cash from the pending sale would be deposited with the Federal Court to serve as Boye's bond.



[http://www.zillow.com/homedetails/720-Apple-Ridge-Rd-Franklin-Lakes-NJ-07417/37913477\\_zpid/](http://www.zillow.com/homedetails/720-Apple-Ridge-Rd-Franklin-Lakes-NJ-07417/37913477_zpid/)



720 Apple Ridge Rd,  
Franklin Lakes, NJ 07417

5 beds • 7 baths • 7,352 sqft

**SOLD: \$1,850,000**  
Sold on 11/18/14

The house was sold on 18 November 2014 for \$1,850,000.

Boye's bail remained at \$1.5 million, and he was allowed to work but had to remain at home (the location is not clear from court documents) except for specified purposes. These conditions continued after his guilty plea on 28 April 2015, pending sentencing on 13 August 2015.

In July, the court delayed sentencing until 15 October, at the request of the prosecutors

which was agreed to by the defense attorney and probation officer.


On 15 October 2015, Boye was sentenced to six years in prison and ordered to repay \$3.51 million dollars to Timor-Leste.

On 16 November, he notified the court that he would appeal and asked for additional time. The court considered the request on 21 December and granted the time on 12 January.

On 17 December 2015, Boye began serving his prison sentence, and the court ordered the return of \$500,000 bail to a fund for alimony and child support for Boye's ex-wife and children.

His appeal was denied, and he is now in prison.


However, he filed a motion in September 2016 to reduce his sentence which was denied in November 2018.

**Federal Bureau of Prisons**  
Correctional Excellence. Respect. Integrity.

### Find an inmate.

Locate the whereabouts of a federal inmate incarcerated from 1982 to the present.

1 Result for search **Bobby Boye**, Sex: **Male**



**BOBBY BOYE**  
Register Number: 66733-050  
Age: 52  
Race: Black  
Sex: Male  
Located at: **Fort Dix FCI**  
Release Date: 02/18/2021

**Related Links**  
[Facility Information](#)  
[Call or email](#)  
[Send mail/package](#)  
[Send money](#)  
[Visit](#)  
[Voice a concern](#)

## DISTRICT OF NEW JERSEY

## MAGISTRATE'S COURTROOM MINUTES

UNITED STATES OF AMERICA

v.

BOBBY BOYE

MAGISTRATE JUDGE: Mark Falk, U.S.M.J.MAGISTRATE NO.: 14-7086 (CLW)DATE OF PROCEEDINGS: June 20, 2014DATE OF ARREST: June 19, 2014PROCEEDINGS: Initial Appearance

- ☐ COMPLAINT  
☒ ADVISED OF RIGHTS  
☐ WAIVER OF COUNSEL  
☐ APPT. OF COUNSEL: AFPD CJA  
☒ WAIVER OF HRG.: ☒ PRELIM REMOVAL  
☐ CONSENT TO MAGISTRATE'S JURISDICTION  
☐ PLEA ENTERED: GUILTY NOT GUILTY  
☐ PLEA AGREEMENT  
☐ RULE 11 FORM  
☐ FINANCIAL AFFIDAVIT EXECUTED  
☒ OTHER NOTICE OF APPEARANCE  
-DEFT. COUNSEL

- ☐ TEMPORARY COMMITMENT  
☐ CONSENT TO DETENTION WITH RIGHT TO MAKE A  
 BAIL APPLICATION AT A LATER TIME  
☒ BAIL DENIED - DEFENDANT REMANDED TO CUSTODY  
☒ BAIL SET: 1.5 million dollars  
☐ UNSECURED BOND  
☒ SURETY BOND SECURED BY CASH / PROPERTY  
☒ TRAVEL RESTRICTED N.Y.  
☒ REPORT TO PRETRIAL SERVICES  
☐ DRUG TESTING AND/OR TREATMENT  
☐ MENTAL HEALTH TESTING AND/OR TREATMENT  
☒ SURRENDER &/OR OBTAIN NO PASSPORT  
☒ SEE ORDER SETTING CONDITIONS OF RELEASE FOR  
 ADDITIONAL CONDITIONS

## HEARING(S) SET FOR:

- ☐ PRELIMINARY / REMOVAL HRG.  
☐ DETENTION / BAIL HRG.  
☐ TRIAL: COURT JURY  
☐ SENTENCING  
☐ OTHER: \_\_\_\_\_

DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DATE: \_\_\_\_\_

## APPEARANCES:

AUSA SHIRLEY EMEHELUDEFT. COUNSEL JOSEPH Rem. Esq.

PROBATION \_\_\_\_\_

INTERPRETER \_\_\_\_\_

Language: ( )

Time Commenced: 255pm.Time Terminated: 303pm.CD No: ECRLorraine Mc Nerney

DEPUTY CLERK



for the

District of

New Jersey

United States of America

v.

BOBBY BOYE

**ORDER SETTING CONDITIONS  
OF RELEASE**

Case Number: 14-7086 (CLW)

Defendant

IT IS ORDERED on this 20 day of June, 2014, that the release of the defendant is subject to the following conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address and/or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed.

**Release on Bond**

Bail be fixed at \$ 1.5 million and the defendant shall be released upon:

- ( ) Executing an unsecured appearance bond ( ) with co-signor(s) \_\_\_\_\_;
- (X) Executing a secured appearance bond ( ) with co-signor(s) \_\_\_\_\_,  
and ( ) depositing in cash in the registry of the Court \_\_\_\_\_% of the bail fixed; and/or (X) execute an  
agreement to forfeit designated property located at 720 Apple Ridge Rd. Franklin Lakes, N.J.  
Local Criminal Rule 46.1(d)(3) waived/~~not waived~~ by the Court.
- ( ) Executing an appearance bond with approved sureties, or the deposit of cash in the full amount of the bail in lieu thereof;

**Additional Conditions of Release**

Upon finding that release by the above methods will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, it is further ordered that the release of the defendant is subject to the condition(s) listed below:

IT IS FURTHER ORDERED that, in addition to the above, the following conditions are imposed:

- (X) Report to Pretrial Services ("PTS") as directed and advise them immediately of any contact with law enforcement personnel, including but not limited to, any arrest, questioning or traffic stop.
- ( ) The defendant shall not attempt to influence, intimidate, or injure any juror or judicial officer; not tamper with any witness, victim, or informant; not retaliate against any witness, victim or informant in this case.
- ( ) The defendant shall be released into the third party custody of \_\_\_\_\_

*who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.*

Custodian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- ☒ The defendant's travel is restricted to ☒ New Jersey ☐ Other \_\_\_\_\_ ☒ unless approved by Pretrial Services (PTS).
- ☒ Surrender all passports and travel documents to PTS. Do not apply for new travel documents.
- ☐ Substance abuse testing and/or treatment as directed by PTS. Refrain from obstructing or tampering with substance abuse testing procedures/equipment.
- ☐ Refrain from possessing a firearm, destructive device, or other dangerous weapons. All firearms in any home in which the defendant resides shall be removed by \_\_\_\_\_ and verification provided to PTS.
- ☐ Mental health testing/treatment as directed by PTS.
- ☐ Abstain from the use of alcohol.
- ☒ Maintain current residence or a residence approved by PTS.
- ☐ Maintain or actively seek employment and/or commence an education program.
- ☐ No contact with minors unless in the presence of a parent or guardian who is aware of the present offense.
- ☐ Have no contact with the following individuals: \_\_\_\_\_
- ☒ Defendant is to participate in one of the following home confinement program components and abide by all the requirements of the program which ☒ will or ☐ will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
- ☐ (i) **Curfew.** You are restricted to your residence every day ☐ from \_\_\_\_\_ to \_\_\_\_\_, or ☐ as directed by the pretrial services office or supervising officer; or
- ☒ (ii) **Home Detention.** You are restricted to your residence at all times except for the following: education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer. Additionally, employment ☒ is permitted ☐ is not permitted. *via GPS monitoring.*
- ☐ (iii) **Home Incarceration.** You are restricted to your residence under 24 hour lock-down except for medical necessities and court appearances, or other activities specifically approved by the court.
- ☐ Defendant is subject to the following computer/internet restrictions which may include manual inspection and/or the installation of computer monitoring software, as deemed appropriate by Pretrial Services. The defendant shall pay all or part of the cost of the monitoring software based upon their ability to pay, as determined by the pretrial services office or supervising officer.
- ☐ (i) **No Computers** - defendant is prohibited from possession and/or use of computers or connected devices.
- ☐ (ii) **Computer - No Internet Access:** defendant is permitted use of computers or connected devices, but is not permitted access to the Internet (World Wide Web, FTP Sites, IRC Servers, Instant Messaging, etc);
- ☐ (iii) **Computer With Internet Access:** defendant is permitted use of computers or connected devices, and is permitted access to the Internet (World Wide Web, FTP Sites, IRC Servers, Instant Messaging, etc.) for legitimate and necessary purposes pre-approved by Pretrial Services at ☐ home ☐ for employment purposes.
- ☐ (iv) **Consent of Other Residents** -by consent of other residents in the home, any computers in the home utilized by other residents shall be approved by Pretrial Services, password protected by a third party custodian approved by Pretrial Services, and subject to inspection for compliance by Pretrial Services.

☒ DO NOT associate w/ BEST & OPS.

☒ Other: *And all contact direct or indirect w/ anyone who is or may be a victim or potential witness in the subject investigation*

☐ Other: *or prosecution.*

☒ Other: *For L/M, the Dept shall install a land line filter phone in residence w/ 10 days of release, unless waived by PTS.*

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

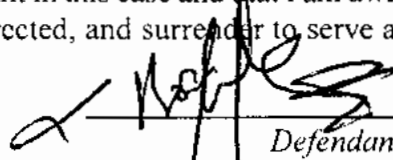
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

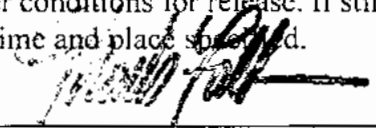
I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

  
 Defendant's Signature  
 Franklin Lake, NJ  
 City and State

**Directions to the United States Marshal**

- X ) The defendant is ORDERED released after processing.  
 X ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: June 20, 2014

  
 Judicial Officer's Signature

Mark Falk, U.S.M.J.  
 Printed name and title



Upon learning that the property was posted for bail in the above-referenced matter, Mr. Lamatina filed an Amended Complaint seeking to quiet title and an Order to Show Cause in the matrimonial matter, seeking release of the property from the bail lien. The parties thereafter negotiated a proposed modification of Defendant's Bail Conditions, which we now submit to the Court for Your Honor's review and endorsement.<sup>1</sup> In sum, the modification proposes the following terms: the bail bond lien on the Apple Ridge Road property will be cancelled and removed to allow for the sale of the property. The proceeds from the sale of the Apple Ridge Road property shall be held by attorney Lou Lamatina in his trust account, per the Order of the matrimonial Court. Within one week of the closing, the surety (Ediltruda Kalikawe and children, via the trust account) shall post \$500,000 in cash as a surety to secure defendant Boye's \$1.5 million appearance bond.

Thank you for your review and consideration of the proposed Consent Order Modifying Defendant's Bail Conditions.

Respectfully submitted,  
PAUL J. FISHMAN  
United States Attorney

*S/ Leah Bynon Farrell*  
By: LEAH BYNON FARRELL  
Assistant United States Attorney

Shirley Emehelu (by email)  
Assistant United States Attorney

Joseph P. Rem, Jr., Esq. (by email)  
25 E Salem Street, Suite 400  
Hackensack, NJ 07601  
[jrem@remlawgroup.com](mailto:jrem@remlawgroup.com)

Louis J. Lamatina, Esq. (by email)  
Attorney for plaintiff Ediltruda Kalikawe

---

<sup>1</sup> Attached as Exhibit A is a copy of the Order Adjudicating Plaintiff's Order to Show Cause, issued by the Honorable Bonnie J. Mizdol, P.J.F.P., in the matter of *Kalikawe v. Boye*, Docket No. FM-02-786-14, Superior Court of New Jersey, Chancery Division: Bergen County, Family Part. Civil AUSA Leah A. Farrell appeared before the State Court with respect to this matter. Attached as Exhibit B is a copy of the August 1, 2014 Order issued by the Honorable Bonnie J. Mizdol, P.J.F.P., in which the Court determined that the property was to be sold, with proceeds held in trust pending a final equitable distribution determination. Attached as Exhibit C is a copy of the proposed Surety agreement to post the \$500,000 cash.

# EXHIBIT A



notice to the defendant, Bobby W. Boye, appearing pro se in the matrimonial action having appeared telephonically, Joseph Rem, Esq., defendant's attorney in his criminal action having also appeared telephonically, the attorney for plaintiff Auleria Eakins, Chase and Chase (Seymour Chase, Esq.) having <sup>WAIVED</sup> ~~waiving~~ his appearance, and the Assistant U.S. Attorney Shirley Emehelu, Esq. having appearing <sup>EA</sup> ~~EA~~ telephonically, the Court having executed plaintiff's Order to Show Cause on September 12, 2014 which permitted plaintiff to file an amended complaint to add the United States of America as a party defendant to address its judgment encumbering the marital property, and the Court having discussed a partial resolution of the issues presented with plaintiff's Order to Show Cause, <sup>AND ALL PARTIES HAVING APPEARED</sup> ~~and all parties present~~ <sup>ON THE RETURN OF THE ORDER TO SHOW CAUSE IN PERSON OR TELEPHONICALLY</sup> ~~with the exception that ASS. U.S. ATTY LEAH BYRON FARRELL APPEARED TELEPHONICALLY~~ having consented to certain relief, and for good cause shown;

IT IS on this <sup>AS</sup> 3 day of <sup>OCTOBER</sup> ~~September~~, 2014,

ORDERED as follows:

A. The United States of America shall execute any and all documents necessary to vacate the <sup>LIED</sup> ~~judgment~~ identified by Judgment Number RG-064784 in favor of the United States of America under United States District Court docket number 14-<sup>(CLW)</sup> 7086 in connection with defendant's <sup>UNAUTHORIZED</sup> ~~illegal~~ pledge of the ~~MARITAL~~ <sup>MARITAL</sup> residence as security for his release from prison in the amount of \$1,500,000.00 within ten (10) days of being presented with the document(s) necessary to clear title. The

FILED

OCT 03 2014

BONNIE J. MIZDOL  
P.J.F.P.

THE LAW OFFICE OF  
LOUIS J. LAMATINA  
South 105 Farview Avenue  
Paramus, New Jersey 07652  
(201) 291-1122  
Attorney for Plaintiff in  
Action # 1  
ID # 007081983

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION;  
BERGEN COUNTY, FAMILY PART  
DOCKET NO. FM-02-786-14

-----X  
EDILTRUDA KALIKAWA

Civil Action

Plaintiff

:  
: ~~INTERIM ORDER PARTIAL~~  
: ADJUDICATING PLAINTIFF'S  
: ORDER TO SHOW CAUSE

v.

: ~~ON DEFENSE~~

:  
BOBBY W. BOYE and THE UNITED  
STATES OF AMERICA

Defendant

-----X  
AULERIA EAKINS

: SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: FAMILY PART  
: BERGEN COUNTY  
DOCKET NO. FM-02-1402-14

Plaintiff

v.

BOBBY AJIBOYE a/k/a  
BOBBY W. BOYE

Defendant

-----X  
This matter having been opened to the Court on September  
12, 2014 with this Court's execution of an Order to Show Cause  
Granting Immediate Relief by The Law Office of Louis J.  
Lamatina (Louis J. Lamatina, Esq. appearing), attorney for  
plaintiff, Ediltruda Kalikawe pursuant to Rule 4:52-1, on

document(s) that the United States will sign shall be provided by the title company which performed the title search that revealed the existence of the judgment. That document(s) shall be held in escrow by plaintiff's attorney until the closing of title, at which time they will be provided to the closing attorney previously designated by this Court, James Caporrino, Esq., so that the closing proceeds can be obtained. The net closing proceeds, which shall be for the benefit of Ediltruda Kalikawe, J. [REDACTED] and A. [REDACTED] P. [REDACTED] who shall be the owners of the trust, which shall not be invaded by any creditors of the defendant for any purpose, said trust having been established for the above beneficiaries subject only to Defendant's right to a share of any remaining trust proceeds by way of his equitable distribution interest, if any, as set forth in this Court's August 1, 2014 Order, shall then be paid to The Trust Account of Louis J. Lamatina, who shall immediately cause to be delivered his trust account check in the amount of \$500,000.00, representing the agreed upon replacement security to be provided by plaintiff Ediltruda Kalikawe under an amended order for defendant's release from custody in the matter entitled UNITED STATES v. Boye, MAG. NO. [REDACTED] (CLW) bearing docket # 14-7086, to the Clerk of the United States District Court for the District of New Jersey, located in Newark, New Jersey;

B. It is understood and agreed by all parties that this \$500,000.00 security is being posted by plaintiff Ediltruda Kalikawe, ~~and such funds shall remain her property in accordance with this Court's August 1, 2014 Order. These funds shall be deposited with the Clerk of the District Court pursuant to an amended order for defendant's release, which shall be negotiated between the United States attorney and defendant's criminal attorney, the terms of which shall be reviewed and consented to by plaintiff Ediltruda Kalikawe's counsel. That order shall contain a provision that upon release of the security, either after defendant's appearance at trial or the disposition of the charges prior to trial by plea, dismissal or otherwise, the full amount of the deposit shall immediately be returned to plaintiff by forwarding the sum of \$500,000.00 to plaintiff Ediltruda Kalikawe's counsel for deposit into the trust account established for the benefit of Ediltruda Kalikawe, [REDACTED] and A [REDACTED] B [REDACTED] as set forth in this Court's August 1, 2014 Order;~~

~~AS SURETY SUBJECT TO~~  
~~A CONSENT ORDER MODIFYING DEFENDANT'S BAIL CONDITIONS~~  
~~UPON DETERMINATION THAT THE TERMS OF BAIL HAVE BEEN FULLY SATISFIED, THE FUNDS SHALL BE RETURNED TO THE SURETY IN ACCORDANCE WITH THE POLICIES AND PROCEDURES OF THE UNITED STATES DISTRICT COURT.~~  
~~AND SUBJECT TO ACCEPTANCE BY THE UNITED STATES MAGISTRATE JUDGE.~~

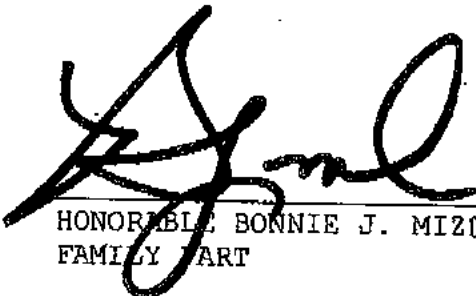
C. ~~The United States Attorney has represented that the \$500,000.00 to be deposited to insure defendant's appearance at trial in his criminal matter shall be returned in full once trial commences or a plead is entered, and that no part of that sum can be utilized, seized, forfeited or otherwise used, in whole or in part, to satisfy any of defendant's obligations to~~

~~the United States of America or any creditor of the defendant~~  
as the funds being offered and deposited as part of this  
Consent Order belong to plaintiff Ediltruda Kalikawe, J [REDACTED]  
and A [REDACTED] B [REDACTED] This Consent Order is entered into in  
reliance upon that representation and shall immediately become  
void and the funds returned to plaintiff Ediltruda Kalikawe  
should the United States seek to utilized such funds for any  
~~purpose relating to the defendant;~~

LEAH BYNON FARRELL

D. Assistant U.S. Attorney Shirley Emehelu, Esq. shall  
accept service of the Summons and Amended Complaint in this  
matter by electronic mail, such service being deemed good and  
proper service in accordance with all statutes and the rules of  
court; and

E. A copy of this Order shall be served upon defendant,  
his criminal counsel, Joseph Rem, Esq., counsel for plaintiff  
Aurelia Eakins and Assistant United States Attorney Shirley U.  
Emehelu, Esq. within <sup>THREE (3)</sup> ~~seven (7)~~ days of the date hereof.

  
HONORABLE BONNIE J. MIZDOL, P.J.S.C.,  
FAMILY PART

F. PLAINTIFF'S APPLICATION TO BE DESIGNATED AS  
RECEIVER TO COLLECT THE RENTS FROM THE THREE  
(3) PARCELS OF REAL PROPERTY TITLED TO OPUS &  
BEST, LLC, KNOWN AND DESIGNATED AS 25 CRESCENT  
HOLLOW DRIVE, RAMSEY, NEW JERSEY, 36 ROSEWOOD  
COURT, NORTH HALEDON, NEW JERSEY AND 140  
GROVE STREET, ELIZABETH, NEW JERSEY, IS DENIED.



# EXHIBIT B

THE LAW OFFICE OF  
LOUIS J. LAMATINA  
South 105 Farview Avenue  
Paramus, New Jersey 07652  
(201) 291-1122  
Attorney for Plaintiff  
ID # 007081983

**FILED**  
AUG 01 2014  
BONNIE J. MIZDOL  
P.J.F.P.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION:  
BERGEN COUNTY, FAMILY PART  
DOCKET NO. FM-02-786-14

-----X  
EDILTRUDA KALIKAWA

Plaintiff

v.

BOBBY W. BOYE

Defendant

Civil Action

ORDER ADJUDICATING  
PLAINTIFF'S ORDER TO  
SHOW CAUSE

-----X  
AULERIA EAKINS

Plaintiff

v.

BOBBY AJIBOYE a/k/a  
BOBBY W. BOYE

Defendant

-----X  
: SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION: FAMILY PART  
: BERGEN COUNTY  
: DOCKET NO. FM-02-1402-14

-----X  
This matter having been opened to the Court on June 23, 2014 with this Court's execution of an Order to Show Cause Granting Immediate Relief by The Law Office of Louis J. Lamatina (Louis J. Lamatina, Esq. appearing), attorney for plaintiff, Ediltruda Kalikawe pursuant to Rule 4:52-1, on notice to the attorney for the defendant, Bobby W. Boye, then

represented by the Law Offices of Robert T. Corcoran (Robert T. Corcoran, Esq. appearing) but now appearing pro se, and the attorney for plaintiff Auleria Eakins, Chase and Chase (Seymour Chase, Esq. appearing), and this Court having adjourned the initially scheduled return date of July 3, 2014 at the request of counsel for defendant Bobby W. Boye, and the Court having scheduled an appearance for 3:30 PM on July 9, 2014 to address the effect of the defendant's pledge of the real property located at 720 Apple Ridge Road, Franklin Lakes, New Jersey as a condition of his release from custody on his pending criminal charges in the matter of United States v. Boye upon plaintiff's pending requests for relief, and this Court having found, as a matter of fact, that the plaintiff filed a Notice of Lis Pendens with the Bergen County Clerk on March 5, 2014 in accordance with this Court's February 27, 2014 Order permitting such filing, with a filed copy of that Notice having been served upon defendant Bobby W. Boye's counsel by letter dated March 12, 2014, this Court having found that defendant Bobby W. Boye has pledged the premises located at 720 Apple Ridge Road, Franklin Lakes, New Jersey as security as a condition of his release from custody in violation of three (3) prior court orders prohibiting him from encumbering that property dated October 4, 2013, December 23, 2014 and April 9, 2014, and the parties having appeared, through counsel on July 9, 2014 with

Assistant United States Attorney Shirley U. Emehelu, Esq. having appeared by phone, who placed the position of the United States on the record and having acknowledged the existence of a filed Notice of Lis Pendens against the real property located at 720 Apple Ridge Road, Franklin Lakes, New Jersey, and this Court having entered an Interim Order Partially Adjudicating Plaintiff's Order to Show Cause dated July 11, 2014, the contents of which are incorporated by reference herein and which Order remains in full force and affect unless the terms of this Order conflict with the terms of the July 11, 2014 Order, the parties having appeared at 11:00 AM on July 30, 2014 for the return date of this Order to Show Cause, plaintiff Ediltruda Kalikawe having appeared together with her counsel, Louis J. Lamatina, Esq., plaintiff Auleria Eakins having appeared by counsel, Seymour Chase, Esq. and defendant Bobby Boye, now appearing pro se, having appeared telephonically, with the United States' Attorneys Shirley U. Emehelu, Esq. and Evan Weitz, Esq. having neither appeared nor submitted any pleadings with regard to any aspect of plaintiff's application, and plaintiff Auleria Eakins, through counsel having requested that this Court reconsider its decision not to proceed with entry of her uncontested divorce, the Court having considered the argument of counsel and pro se defendant Bobby Boye, and having reviewed the Certifications of Ediltruda Kalikawe, Louis

J. Lamatina, Esq. and Bobby Boye, together with Letter Memoranda of Law submitted by the plaintiff and defendant Boye, and a letter dated July 9, 2014 from plaintiff's counsel addressing the Lis Pendens issue and providing a copy of the Order Setting Conditions of Release dated June 20, 2014 in the matter of United States v. Boye, and it appearing that immediate and irreparable harm may result if this interim relief is not granted, and/or in the alternative, this Court's intervention was necessary to maintain the status quo, and for good cause shown;

IT IS on this <sup>1<sup>st</sup></sup> day of August, 2014, ORDERED as follows:

A. Plaintiff shall continue to maintain exclusive possession of the marital home pending trial of this matter;

B. ~~Plaintiff~~ <sup>The parties</sup> shall continue to enjoy ~~temporary sole~~ <sup>joint</sup> custody of the parties' two (2) infant children, ~~pending trial of this matter.~~ The Custody and Parenting Time Order dated May 6, 2014 be and it hereby is amended to provide that defendant may enjoy visitation with the children two (2) days per week, on Tuesdays and Sundays, from 10:00 AM to 12 noon at the defendant's present residence at [REDACTED] New Jersey, contingent upon defendant providing proof to plaintiff's counsel that he has the authority from pre-trial services to exercise such parenting time, with the plaintiff to pick up and appear for the children's return until further



order of this Court. Defendant will immediately report any emergency with either child by either text message or email to the plaintiff, who will remain in the area. Defendant and the children shall not leave the defendant's residence during the visitation and no one else shall be permitted in the residence during visitation;

C. The marital premises, known and designated as 720 Apple Ridge Road, Franklin Lakes, New Jersey 07417, together with the contents thereof (including but not limited to home furnishings, artwork, collections, ~~remaining automobile~~, etc.) shall be sold as soon as possible by plaintiff in accordance with the terms of this Court's July 11, 2014 Interim Order pursuant to N.J.S.A. 2A:34-23 as a method to enforce defendant's present and future support obligations, defendant's present and future medical and educational obligations, defendant's present and future counsel fee/expert fee obligations to the plaintiff and the parties' two (2) infant children and for the establishment of a fund to pay plaintiff's future litigation expenses pursuant to Rule 5:3-5. A trust funded by the sale of the marital premises shall be established from the proceeds of the sale of the marital premises, to be administered by plaintiff and held by plaintiff's counsel, pursuant to N.J.S.A. 2A:34-23, for payment of defendant's present and future support obligations, defendant's present and

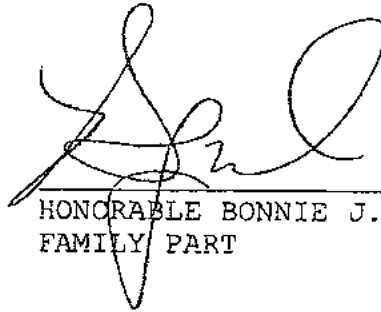
future medical and educational obligations and defendant's present and future counsel fee/expert fee obligations to the plaintiff and the parties' two (2) infant children, and for payment of plaintiff's ongoing legal fees, expert's fees and disbursements. The trust shall be "For the benefit of Edi Kalikawe, [REDACTED] and [REDACTED] B. [REDACTED]" who shall be the owners of the trust, which shall not be invaded by any creditors of the defendant for any purpose, said trust having been established for the above beneficiaries <sup>subject only to Defendant's</sup> ~~only with defendant retaining no~~ ~~present ownership interests in the funds but still maintaining~~ the right to a share of any remaining trust proceeds by way of his equitable distribution interest, if any, at the conclusion of this matter or upon further order of this Court; \*

D. Judgment be and hereby is entered against the defendant and in favor of the plaintiff and Louis J. Lamatina, Esq. in the amount of \$50,000.00, representing this Court's second fee allocation against defendant for services, already rendered pursuant to Rule 5:3-5 (c). The judgment shall be paid out of the proceeds of the sale of the marital home and both this \$50,000.00 payment and the previously paid \$25,000.00 shall be a debit against the defendant's share of equitable distribution, if any. As to the remainder of plaintiff's legal fees and disbursements due after satisfaction of this Judgment, counsel shall apply by letter to this Court, on notice to the

\* The trust proceeds shall be maintained in an interest bearing attorney trust account of Louis J. Lamatina, Esq, and shall be disbursed to Plaintiff in accordance with this Court's Pendente Lite support order of April 15, 2014, with monthly accounting to Defendant and The Court.

to plaintiff Edi Kalikawe; and

I. A copy of this Order shall be served upon defendant Auleria Eakins's counsel, defendant and Assistant United States Attorney Shirley U. Emehelu, Esq. within seven (7) days of the date hereof.

A handwritten signature in black ink, appearing to read 'B. Mizdol', is written over a horizontal line.

HONORABLE BONNIE J. MIZDOL, P.J.S.C.,  
FAMILY PART

# EXHIBIT C

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :

v. :

Case No. \_\_\_\_\_

Affidavit re: Appearance Bond  
(Cash Surety)

AFFIDAVIT BY OWNER OF CASH SURETY

I, EDI KALITRINE, both, individually and on behalf of [REDACTED]  
on oath say that I reside at 410 Louis J. Lammant Esq  
and that the \$ 500,000 cash deposited as security on the foregoing bond is owned by me and is to be

returned to me at the above address upon exoneration of this bond. Subject to the terms +  
conditions of the August 1, 2014 Order of the Honorable  
Bonnie J Mizdul, P.J.S.C. the terms + conditions of which are  
incorporated into this Affidavit  
I hereby subject said funds to the provision of Local Cr. Rule 46.1 and consent and agree that in case  
of default or contumacy on the part of the principal, the Court may proceed summarily and render  
judgment against said cash security in accordance with my obligation herein and award execution  
thereon.

Sworn to and subscribed before me

this \_\_\_\_ day of \_\_\_\_\_, 20

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Signature of Cash Security



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Cathy L. Waldor
	:	
v.	:	Mag. No. 14-7086 (CLW)
	:	
BOBBY BOYE,	:	
a/k/a "Bobby Ajiboye,"	:	CONSENT ORDER MODIFYING
a/k/a "Bobby Aji-Boye"	:	DEFENDANT'S BAIL CONDITIONS

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (by Shirley U. Emehelu, Assistant U.S. Attorney), and defendant Bobby Boye (by Joseph P. Rem Jr., Esq.) for an Order Modifying Defendant's Bail Conditions to substitute \$500,000 in cash as the security for defendant's \$1.5 million appearance bond, in lieu of the property located at 720 Apple Ridge Road, Franklin Lakes, New Jersey (the "Subject Property"); and Pretrial Services Officer Barbara Hutchinson, having no objection to such an Order; and upon good cause shown;

IT IS, therefore, on this            day of October, 2014,

ORDERED that the Conditions of Bail are modified to allow a surety (Edi Kalikawe, J.B., and A.B., with funds to be deposited into the trust account of Louis J. Lamatina from the sale of the premises known as 720 Apple Ridge Road, Franklin Lakes, New Jersey pursuant to the August 1, 2014 Order of the Honorable Bonnie J. Mizdol, P.J.S.C. the terms and conditions of which are

incorporated into this Order by reference) to post \$500,000 in cash to secure defendant Boye's \$1.5 million appearance bond, in lieu of posting the Subject Property as security; and it is further


ORDERED that within one week of the closing date of the Subject Property's sale, the surety shall post, or cause the posting of, \$500,000 in cash to secure defendant Boye's \$1.5 million appearance bond; and it is further

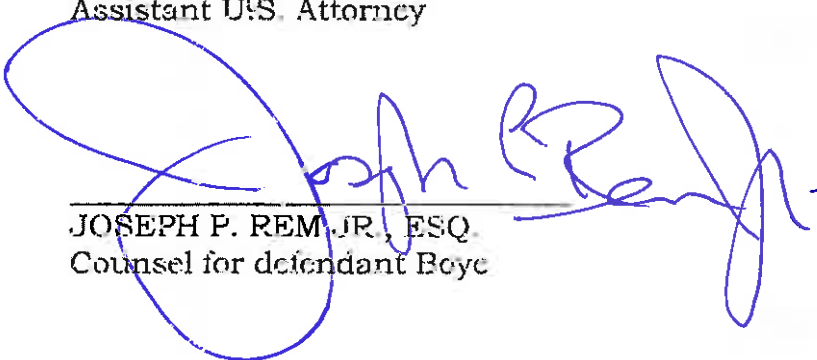
ORDERED that the lien on the Subject Property shall be removed no earlier than three (3) days prior to the closing date of the Subject Property's sale; and it is further

ORDERED that all prior conditions of release shall remain in full effect.

\_\_\_\_\_  
HON. CATHY L. WALDOR  
United States Magistrate Judge

Form and entry  
consented to:

  
\_\_\_\_\_  
SHIRLEY U. EMEHELE  
Assistant U.S. Attorney

  
\_\_\_\_\_  
JOSEPH P. REM, JR., ESQ.  
Counsel for defendant Boye

## UNITED STATES DISTRICT COURT

for the

District of

New Jersey

United States of America

v.

Bobby Boye

Defendant

*Amended*  
ORDER SETTING CONDITIONS  
OF RELEASE

Case Number: 14-7086 CLW

IT IS ORDERED on this 30th day of October, 2014 that the release of the defendant is subject to the following conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address and/or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed.

## Release on Bond

Bail be fixed at \$ 1.5 million and the defendant shall be released upon:

- ( ) Executing an unsecured appearance bond ( ) with co-signor(s) \_\_\_\_\_;
- (☒) Executing a secured appearance bond (☒) with surety of cash: Louis J. Lamatina (Ally), and (☒) depositing in cash in the registry of the Court \$20,000 of the bail fixed; and/or ( ) execute an agreement to forfeit designated property located at \_\_\_\_\_. Local Criminal Rule 46.1(d)(3) waived/not waived by the Court.
- ( ) Executing an appearance bond with approved sureties, or the deposit of cash in the full amount of the bail in lieu thereof;

## Additional Conditions of Release

Upon finding that release by the above methods will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, it is further ordered that the release of the defendant is subject to the condition(s) listed below:

IT IS FURTHER ORDERED that, in addition to the above, the following conditions are imposed:

- (☒) Report to Pretrial Services ("PTS") as directed and advise them immediately of any contact with law enforcement personnel, including but not limited to, any arrest, questioning or traffic stop.
- ( ) The defendant shall not attempt to influence, intimidate, or injure any juror or judicial officer; not tamper with any witness, victim, or informant; not retaliate against any witness, victim or informant in this case.
- ( ) The defendant shall be released into the third party custody of \_\_\_\_\_

*who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.*

Custodian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- (☒) The defendant's travel is restricted to (☒) New Jersey (☐) Other \_\_\_\_\_  
 (☒) unless approved by Pretrial Services (PTS).
- (☒) Surrender all passports and travel documents to PTS. Do not apply for new travel documents.
- (☐) Substance abuse testing and/or treatment as directed by PTS. Refrain from obstructing or tampering with substance abuse testing procedures/equipment.
- (☐) Refrain from possessing a firearm, destructive device, or other dangerous weapons. All firearms in any home in which the defendant resides shall be removed by \_\_\_\_\_ and verification provided to PTS.
- (☐) Mental health testing/treatment as directed by PTS.
- (☐) Abstain from the use of alcohol.
- (☒) Maintain current residence or a residence approved by PTS.
- (☐) Maintain or actively seek employment and/or commence an education program.
- (☐) No contact with minors unless in the presence of a parent or guardian who is aware of the present offense.
- (☐) Have no contact with the following individuals: \_\_\_\_\_
- (☒) Defendant is to participate in one of the following home confinement program components and abide by all the requirements of the program which (☒) will or (☐) will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
- (☐) (i) Curfew. You are restricted to your residence every day (☐) from \_\_\_\_\_ to \_\_\_\_\_, or (☐) as directed by the pretrial services office or supervising officer; or
- (☒) (ii) Home Detention. You are restricted to your residence at all times except for the following: education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer. Additionally, employment (☒) is permitted (☐) is not permitted. *VIA GPS monitoring*
- (☐) (iii) Home Incarceration. You are restricted to your residence under 24 hour lock-down except for medical necessities and court appearances, or other activities specifically approved by the court.
- (☐) Defendant is subject to the following computer/internet restrictions which may include manual inspection and/or the installation of computer monitoring software, as deemed appropriate by Pretrial Services. The defendant shall pay all or part of the cost of the monitoring software based upon their ability to pay, as determined by the pretrial services office or supervising officer.
- (☐) (i) No Computers - defendant is prohibited from possession and/or use of computers or connected devices.
- (☐) (ii) Computer - No Internet Access: defendant is permitted use of computers or connected devices, but is not permitted access to the Internet (World Wide Web, FTP Sites, IRC Servers, Instant Messaging, etc);
- (☐) (iii) Computer With Internet Access: defendant is permitted use of computers or connected devices, and is permitted access to the Internet (World Wide Web, FTP Sites, IRC Servers, Instant Messaging, etc.) for legitimate and necessary purposes pre-approved by Pretrial Services at [ ☐ ] home [ ☐ ] for employment purposes.
- (☐) (iv) Consent of Other Residents -by consent of other residents in the home, any computers in the home utilized by other residents shall be approved by Pretrial Services, password protected by a third party custodian approved by Pretrial Services, and subject to inspection for compliance by Pretrial Services. *\* Do not associate w/ Best i OMS.*
- (☒) Other: *Avoid all contact w/ anyone (direct or indirect) who is or may be a witness or potential witness in this investigation/prosecution.*
- (☒) Other: *Install a landline within 7/20/14 for purpose of 1/14*
- (☒) Other: *The Court shall remove the lien on 720 Apple Ridge Rd, Franklin Lakes NJ no earlier than (3) three days prior to the closing on the above listed property*
- (☒) Other: *(portion) The proceeds from the sale of the above listed property (\$500,000.00) shall be posted to secure Mr. Boyle's 1.5 million bid no less than 1 week from the closing of the house.*

**ADVICE OF PENALTIES AND SANCTIONS****TO THE DEFENDANT:****YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

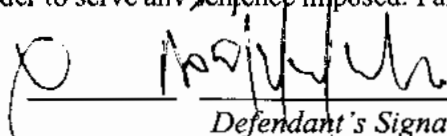
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

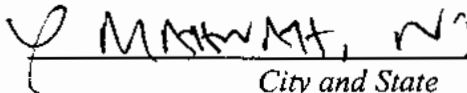
- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

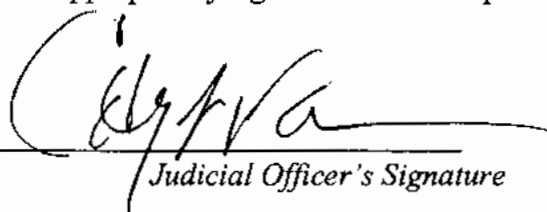
  
 Defendant's Signature

  
 City and State

**Directions to the United States Marshal**

- (☒) The defendant is ORDERED released after processing.
- ( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 10/30/14

  
 Judicial Officer's Signature

U.S.M.J. C. L. Waldor  
 Printed name and title



**MAGISTRATE'S COURTROOM MINUTES**

UNITED STATES OF AMERICA

V.

Bobby Boye

MAGISTRATE JUDGE: U.S.M.J. C. L. Waldor

MAGISTRATE NO.: 14-7086

DATE OF PROCEEDINGS: 11/12/14

DATE OF ARREST: NA

PROCEEDINGS: Atty Apt

- ( ) COMPLAINT  
( ) ADVISED OF RIGHTS  
( ) WAIVER OF COUNSEL  
( ) APPT. OF COUNSEL: ☒ AFPD ☐ CJA  
( ) WAIVER OF HRG.: ☐ PRELIM ☐ REMOVAL  
( ) CONSENT TO MAGISTRATE'S JURISDICTION  
( ) PLEA ENTERED: ☐ GUILTY ☐ NOT GUILTY  
( ) PLEA AGREEMENT  
( ) RULE 11 FORM  
( ) FINANCIAL AFFIDAVIT EXECUTED  
( ) OTHER \_\_\_\_\_

- ( ) TEMPORARY COMMITMENT  
( ) CONSENT TO DETENTION WITH RIGHT TO MAKE A  
BAIL APPLICATION AT A LATER TIME  
( ) BAIL DENIED - DEFENDANT REMANDED TO CUSTODY  
( ) BAIL SET: \_\_\_\_\_  
( ) UNSECURED BOND  
( ) SURETY BOND SECURED BY CASH / PROPERTY  
( ) TRAVEL RESTRICTED \_\_\_\_\_  
( ) REPORT TO PRETRIAL SERVICES  
( ) DRUG TESTING AND/OR TREATMENT  
( ) MENTAL HEALTH TESTING AND/OR TREATMENT  
( ) SURRENDER &/OR OBTAIN NO PASSPORT  
( ) SEE ORDER SETTING CONDITIONS OF RELEASE FOR  
ADDITIONAL CONDITIONS

**HEARING(S) SET FOR:**

- ( ) PRELIMINARY / REMOVAL HRG.  
( ) DETENTION / BAIL HRG.  
( ) TRIAL: ☐ COURT ☐ JURY  
( ) SENTENCING  
( ) OTHER: \_\_\_\_\_

DATE: \_\_\_\_\_  
DATE: \_\_\_\_\_  
DATE: \_\_\_\_\_  
DATE: \_\_\_\_\_  
DATE: \_\_\_\_\_

**APPEARANCES:**

AUSA S. Emehele

DEFT. COUNSEL K. A. Thomas

PROBATION \_\_\_\_\_

INTERPRETER NA

1. Language: ( NA )

Time Commenced: 2:57pm

Time Terminated: 2:58pm

CD No: ECR

Tim Gorman  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

MAGISTRATE NO. 14-7086

v.

ORDER

Bobby Boye

The financial inability of the defendant to retain counsel having been established by the Court,  
and the defendant not having waived the appointment of counsel,

It is on this 12 day of November, 2014,

ORDERED that K. A. Thomas from the Office of the Federal Public  
Defender for the District of New Jersey is hereby appointed to represent said defendant in the cause until  
further order of the Court.



U.S.M.J C. L. Waldor  
United States Magistrate Judge



SUE/USAO2013R01059

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	
	:	Hon. Freda L. Wolfson
v.	:	
	:	Crim. No. 15-196-01 (FLW)
BOBBY BOYE,	:	
a/k/a "Bobby Ajiboye,"	:	18 U.S.C. § 1349
a/k/a "Bobby Aji-Boye"	:	

**INFORMATION**

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

**Background**

1. At all times relevant to this Information, unless otherwise indicated:
  - a. Defendant BOBBY BOYE, a/k/a "Bobby Ajiboye," a/k/a "Bobby Aji-Boye," ("BOYE") was a resident of Franklin Lakes, New Jersey, and was admitted to practice law in the State of New York. Starting in or about July 2010, defendant BOYE worked as an international petroleum legal advisor for the National Directorate of Petroleum Revenue within the Ministry of Finance of "Country A." As a legal advisor, defendant BOYE was responsible for, among other things, securing contracts with outside vendors for Country A's benefit.
  - b. Country A was a foreign sovereign nation. In or about February 2012, Country A marketed and solicited bids for a multimillion-dollar contract to provide legal and tax accounting advice to Country A (the "Contract").

As part of his role as an international petroleum legal advisor to Country A, defendant BOYE served on an approximately three-member committee responsible for reviewing and evaluating the submitted bids for the Contract (the "Bid Review Committee").

c. Founded in or about late March 2012 by defendant BOYE, Opus & Best Law Services LLC ("Opus & Best") purported to be an established, multinational law and accounting firm that employed a number of professionals and was experienced in the mining, oil, and gas industries. In reality, defendant BOYE created Opus & Best to facilitate the fraudulent scheme described herein and was its sole member. Indeed, the registered address for Opus & Best was a Jackson Heights, New York residence associated with defendant BOYE.

d. In or about April 2012, defendant BOYE opened a J.P. Morgan Chase Bank business checking account ending in 0399 for Opus & Best in New York, New York (the "Opus & Best 0399 Account"). Defendant BOYE was the sole signatory on the Opus & Best 0399 Account.

e. The Federal Reserve Bank of New York (the "Federal Reserve") operated an Automated Clearing House ("ACH") payments system that allowed customers, including Country A and others, to make payments electronically. The Federal Reserve's ACH processing site was located in East Rutherford, New Jersey.

f. Per the wiring instructions of Opus & Best, Country A wired a total of approximately \$3,510,000 in Contract payments from a Country A account at the Federal Reserve (the "Country A Account") to the Opus & Best

0399 Account secretly controlled by defendant BOYE, which electronic payments were processed in East Rutherford, New Jersey and deposited into the Opus & Best Account in New York, New York.

**The Conspiracy**

2. From in or about March 2012 through in or about May 2013, in the District of New Jersey and elsewhere, defendant

BOBBY BOYE,  
a/k/a "Bobby Ajiboye,"  
a/k/a "Bobby Aji-Boye,"

did knowingly and intentionally conspire and agree with others, known and unknown, to devise a scheme and artifice to defraud Country A, and to obtain money and property from Country A by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing such scheme and artifice, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, contrary to Title 18, United States Code, Section 1343.

**Object of the Conspiracy**

3. The object of the conspiracy was for defendant BOYE and others to enrich themselves by fraudulently obtaining lucrative consulting contracts from Country A for defendant BOYE's entity, Opus & Best.

**Manner and Means of the Conspiracy**

4. It was part of the conspiracy that in or about March 2012, defendant BOYE and a family member (the “Relative”) authored fraudulent documents submitted by Opus & Best to Country A, in connection with Opus & Best’s bid for the multimillion-dollar Contract (collectively, the “Bid Documents”).

5. It was further part of the conspiracy that defendant BOYE caused his Relative to create Opus & Best email accounts, including an email account for a purported partner at Opus & Best with the initials “D.L.” (the “D.L. Email Account”).

6. It was further part of the conspiracy that on or about March 17, 2012, defendant BOYE caused an email containing the Bid Documents to be sent from the D.L. Email Account to representatives of Country A, in order to “register [Opus & Best’s] expression of interest and present a formal bid[.]”

7. It was further part of the conspiracy that the Bid Documents that defendant BOYE caused to be submitted contained a number of false statements and material misrepresentations that were intended to give Country A the misimpression that Opus & Best was a legitimate, established firm, including that:

a. “Opus & Best [wa]s a multi-disciplinary corporation, proving [sic] legal, accounting and economics services principally to the oil and gas sector. It is organized under the New York State laws as a limited liability corporation. Opus & Best was founded in 1985 and it is also registered as a legal and accounting services provider in Europe, Middle East and Africa”;

b. “Opus & Best [wa]s endowed with first class talent of attorneys, accountants and economists performing services principally in the mining, oil and gas sector” (collectively, the “Opus & Best Employees”); and

c. Opus & Best’s “Relevant Consulting Experience in the last Five (5) Years/References” purportedly included the “[p]rovision of consulting services” to another foreign sovereign nation (“Country B”).

8. In reality, defendant BOYE created Opus & Best for the purpose of submitting the fraudulent Bid Documents. Moreover, Opus & Best employed no one other than defendant BOYE, let alone the professionals identified in the Bid Documents, and had never provided consulting services to Country B.

9. It was further part of the conspiracy that defendant BOYE failed to disclose, and caused others to fail to disclose, that his affiliation with Opus & Best created a conflict of interest and rendered him a third-party beneficiary of the proposed Contract. Indeed, in the Bid Documents’ “Statement of any Potential Conflicts of Interest,” defendant BOYE falsely “confirm[ed] that [Opus & Best] ha[d] no conflicts of interest in undertaking th[e] assignment[.]” Additionally, the Bid Documents falsely claimed that “there [we]re no third party beneficiaries to th[e] [proposed] Agreement” between Opus & Best and Country A.

10. It was further part of the conspiracy that in or about March 2012, defendant BOYE paid his Relative to create a website for Opus & Best, which contained numerous misrepresentations, including but not limited to, the following false claims regarding Opus & Best’s credentials:

Our professional tax advisors are simply the best in the business. We have over 40 top tax professionals, each with decades of high-level oil and gas tax/accounting experience spread across the Americas, Middle East, Europe, Africa and South East Asia. . . .

Our experienced tax professionals, accountants and economists jointly bring an unparalleled breadth of industry experience to every engagement. We work with organizations to proactively and efficiently address tax matters connected with the business decisions in relation to the oil and gas industry. We provide tax advisory services on all aspects of oil and gas taxation and tax department operations to corporations. We also assist sovereign government revenue agencies to write tax laws, regulations, tax manuals and rulings.

11. It was further part of the conspiracy that defendant BOYE, as a trusted legal advisor to Country A, exploited his membership on the Bid Review Committee responsible for reviewing and scoring the bids submitted for the Contract, in order to steer the Country A Contract to Opus & Best. Largely based upon the misrepresentations discussed above and the recommendation of defendant BOYE, Country A awarded the lucrative Contract to Opus & Best in or about June 2012.

12. It was further part of the conspiracy that, on or about June 3, 2012, defendant BOYE and others caused Country A to enter into a "Contract for Consulting Services" with Opus & Best (the "Consulting Contract"), which Consulting Contract listed defendant BOYE as one of the two project coordinators acting on behalf of Country A. Unaware of defendant BOYE's undisclosed ties with Opus & Best, Country A relied upon defendant BOYE to, in substance and in part, faithfully "coordinat[e] [Opus & Best's] activities under th[e] [Consulting] Contract, . . . accept[] and approv[e] . . . [its] reports and . . . other deliverables . . . and . . . receiv[e] and approv[e] invoices for . . . payment."

13. It was further part of the conspiracy that defendant BOYE caused Country A to wire a total of approximately \$3,510,000 to the Opus & Best 0399 Account, which wires were processed via transmissions from New Jersey to New York, as follows:

<b>Approximate Date</b>	<b>Description of Wire Transmission</b>
June 15, 2012	Country A wired approximately \$1,080,000 from the Country A Account to the Opus & Best 0399 Account.
July 20, 2012	Country A wired approximately \$432,000 from the Country A Account to the Opus & Best 0399 Account.
August 3, 2012	Country A wired approximately \$720,000 from the Country A Account to the Opus & Best 0399 Account.
December 12, 2012	Country A wired approximately \$648,000 from the Country A Account to the Opus & Best 0399 Account.
December 17, 2012	Country A wired approximately \$630,000 from the Country A Account to the Opus & Best 0399 Account.

14. It was further part of the conspiracy that defendant BOYE and others attempted to fraudulently obtain additional payments from Country A in or about 2013. For example, on or about May 26, 2013, defendant BOYE and others caused an email to be sent from the D.L. Email Account to certain Country A representatives, attaching an invoice for a "final payment" of approximately \$630,000, which "D.L." claimed was purportedly owed to Opus & Best under the Consulting Contract.

15. It was further part of the conspiracy that rather than disclosing his affiliation with Opus & Best to Country A, defendant BOYE and his coconspirators sought new opportunities to fraudulently obtain moneys from Country A. After registering an Opus & Best entity as a Hong Kong company in



or about December 2012 (“Opus & Best-Hong Kong”), defendant BOYE and others caused Opus & Best-Hong Kong, in partnership with a local Hong Kong law firm, to attempt to enter into a contract for “Tax Consulting and Advisory Services” with Country A in or about April 2013. In seeking this engagement, defendant BOYE failed to disclose, among other things, his involvement in Opus & Best-Hong Kong, and sought an advanced payment of approximately \$250,000 from Country A. Country A did not accept the proposal, and defendant BOYE left Country A shortly thereafter.

The Proceeds of the Fraud

16. It was further part of the conspiracy that defendant BOYE diverted the more than approximately \$3.5 million wired by Country A to Opus & Best for purported consulting services for his own personal use. For example, defendant BOYE used more than \$2 million of the total proceeds of the fraud to purchase the following assets:

- a. Four properties located in Ramsey, New Jersey, North Haledon, New Jersey, Oakland, New Jersey, and Elizabeth, New Jersey, respectively, for a total of more than approximately \$1.5 million in cash;
- b. Three luxury vehicles, namely a 2012 silver Bentley Continental for approximately \$172,000, a 2012 black Range Rover for approximately \$100,983, and a 2011 gray Rolls Royce Ghost for approximately \$215,000; and
- c. Two designer watches for, in total, almost \$20,000.

In violation of Title 18, United States Code, Section 1349.

**FORFEITURE ALLEGATION**

1. The allegations contained in this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 18, United States Code, Section 1349 set forth in this Information, the defendant, BOBBY BOYE, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all right, title, and interest in any property, real or personal, that constitutes or is derived from proceeds traceable to the offense charged in Count One of this Information. The property to be forfeited includes, but is not limited to, the following:

- a. A sum of money equal to \$4,233,015.42, representing the amount of proceeds obtained as a result of the offense of conviction; and
- b. All of the defendant's right, title and interest in the following specific property, which was seized or restrained on or about June 19, 2014:
  - i. The contents of J.P. Morgan Chase Bank Account number [REDACTED] 0399, held in the name of Opus and Best, LLC (approximately \$103.84);
  - ii. Approximately \$8,408 in U.S. currency seized from the defendant; and
  - iii. All right, title, and interest, including all appurtenances and improvements thereon, in the following real properties:
    - (a) 25 Crescent Hollow Court, Ramsey, New Jersey;
    - (b) 36 Rosewood Court, North Haledon, New Jersey; and
    - (c) 140 Grove Street, Elizabeth, New Jersey.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant, BOBBY BOYE, up to the value of the above-described forfeitable property.

  
PAUL J. FISHMAN  
United States Attorney

**CASE NUMBER: 15-**\_\_\_\_\_

**United States District Court  
District of New Jersey**

**UNITED STATES OF AMERICA**

**v.**

**BOBBY BOYE,  
a/k/a "Bobby Ajiboye,"  
a/k/a "Bobby Aji-Boye"**

**INFORMATION FOR**

**18 U.S.C. § 1349**

**PAUL J. FISHMAN**  
*UNITED STATES ATTORNEY, NEWARK, NEW JERSEY*

**SHIRLEY U. EMEHELU**  
*ASSISTANT U.S. ATTORNEY  
NEWARK, NEW JERSEY  
973-353-6024*

**UNITED STATES DISTRICT COURT**  
**For the District of New Jersey**

UNITED STATES OF AMERICA :

v. : **WAIVER OF INDICTMENT**

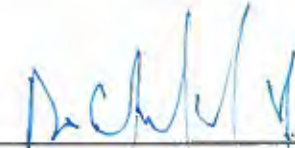
BOBBY BOYE, : Criminal Number: 15-196-01 (FLW)  
a/k/a "Bobby Ajiboye," :  
a/k/a "Bobby Aji-Boye" :

I, Bobby Boye, a/k/a "Bobby Ajiboye," a/k/a "Bobby Aji-Boye," the  
above-named defendant, who is charged with:

From in or about March 2012 through in or about May 2013, in the District of New Jersey and elsewhere, knowingly and intentionally conspiring and agreeing with others, known and unknown, to devise a scheme and artifice to defraud Country A, and to obtain money and property from Country A by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing such scheme and artifice, transmitting and causing to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures, and sounds, contrary to Title 18, United States Code, Section 1343, in violation of Title 18, United States Code, Section 1349,

being advised of the nature of the charge, the proposed Information, and my  
rights, hereby waive in open court on April 28, 2015 prosecution by  
Date

indictment and consent that the proceeding may be by information rather than  
by indictment.

  
Defendant Bobby Boye

  
K. Anthony Thomas, Esq.  
Counsel for Defendant

Before:

  
HON. FREDA L. WOLFSON  
United States District Judge

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Crim. No. 15-196 (FLW)

v.

APPLICATION FOR  
PERMISSION  
TO ENTER PLEA OF GUILTY  
(Defendant with Counsel)

**BOBBY BOYE** hereby certifies as follows:  
(Defendant's Name)

1. My full name is **BOBBY BOYE** and I request that all proceedings against me be held in that name.
2. I understand that the Constitution and laws of the United States guarantee me the right to be represented by a lawyer at every stage in these proceedings, including any trial on these charges, and that if I cannot afford to hire a lawyer, the Court will provide one for me.
3. I have a lawyer who is representing me in this proceeding. My lawyer's name is **K. ANTHONY THOMAS**. I am satisfied that I have had enough time to discuss this matter with my lawyer.
4. English **IS** my native language. After **LAW SCHOOL**, I have two (2) postgraduate Master Degrees in Law and Tax Accounting. I am presently **UNEMPLOYED**.
5. I have taken **THE FOLLOWING** drugs or medication within the past seventy-two hours: **NONE**
6. I **HAVE NEVER** been a patient in a mental hospital or institution. I **DO NOT** believe that at the present time I am mentally ill or mentally incompetent in any respect.
7. I received a copy of the **INFORMATION** before being called upon to plead. I have read and discussed it with my lawyer. I understand that the substance of the charge(s) against me is that : **CONSPIRACY TO COMMIT WIRE FRAUD AND CAUSING MONEY TO BE WIRED FOLLOWING A SCHEME TO OBTAIN CONTRACTS.**

WAIVER OF INDICTMENT (IF APPLICABLE)

8. My lawyer has explained to me that I have a constitutional right to be charged by an indictment of a grand jury but that I can waive that right and consent to being charged through a criminal Information filed by the United States Attorney.
9. I understand that unless I waive indictment I may not be charged with a felony unless a grand jury finds by return of an indictment that there is probable cause to believe that a crime has been committed and that I committed it.
10. I also understand that if I do not waive indictment, the government may present the case to the grand jury and request the grand jury to indict me.
11. I understand that a grand jury is composed of at least 16 and not more than 23 persons, that at least 12 grand jurors must find that there is probable cause to believe that I committed the crime. I also understand that the grand jury may or may not indict me.
12. I further understand that by waiving indictment by the grand jury, the case will proceed against me on the United States Attorney's Information as though I had been indicted.
13. My attorney has discussed the nature of the charges(s) against me and waiving my right to indictment thereon by grand jury, I fully understand those rights, and I wish to waive indictment by grand jury.
14. My decision to waive indictment by grand jury is made knowingly and voluntarily, and no threats or promises have been made to induce me to waive indictment.

THE GUILTY PLEA

15. I have told my lawyer all the facts and circumstances known to me about the charge(s) set forth in the **INFORMATION**.
16. I am satisfied that my lawyer understands the information which I have provided, and that my lawyer has counseled and advised me on the nature of each charge and on all possible defenses that I might have in this case.
17. In addition, my lawyer has explained to me, and I understand, that if I entered a plea of NOT GUILTY (or persisted in my plea of NOT GUILTY), under the Constitution and laws of the United States I would be entitled to a speedy and public trial by a jury of twelve persons on the charge(s) contained in this **INFORMATION**.



18. My lawyer has explained to me, and I understand, that at such a trial the jury would be told by the judge that I am presumed to be innocent, and that the Government would be required to prove me guilty of the charge(s) against me beyond a reasonable

2

doubt. I understand that I would not have to prove that I am innocent, and that I could not be convicted unless all twelve jurors voted unanimously for conviction.

19. My lawyer has explained to me, and I understand, that if I went to trial on these charge(s), the Government would have to produce in open court the witnesses against me, and that my lawyer could confront and cross-examine them and object to evidence offered by the Government.
20. My lawyer has further explained to me, and I understand, that I have the right to produce witnesses and could offer evidence in my defense at a trial on these charge(s), and that I would have the right, if I so chose, to testify on my own behalf at that trial; but if I chose not to testify, the jury could draw no suggestion or inference of guilt from that fact.
21. My lawyer has explained to me, and I understand, that if I plead GUILTY to any charge(s) in this **INFORMATION** and the judge accepts my plea, I WAIVE MY RIGHT TO TRIAL AND THE OTHER RIGHTS SET FORTH IN PARAGRAPHS 17, 18, 19 and 20 ABOVE. I am aware and understand that if my GUILTY plea is accepted, there will be no trial and a judgment of GUILTY will be entered after which, the judge, upon consideration of my presentence report, will impose punishment upon me. I understand that if I plead GUILTY, the judge may impose the same punishment as if I had pleaded "not guilty", went to trial and was convicted by a jury.
22. My lawyer has also explained to me, and I understand, that if I plead GUILTY, I WAIVE MY RIGHT NOT TO INCRIMINATE MYSELF. I understand that the judge will ask me what I did and I will have to acknowledge my guilt as charged by setting forth my actions so that the judge is satisfied that I am, indeed, guilty. I understand that any statements I make at the time I plead GUILTY, if untrue and made under oath, can be the basis of a perjury prosecution against me.

SENTENCING ISSUES

23. My lawyer has informed me, and I understand, that the maximum punishment which the law provides for the offense(s) charged in this **INFORMATION** is:

A MAXIMUM OF **20** years imprisonment and a fine of **\$250,000.00** for the offense(s) charged in Count(s) **ONE**. My lawyer has further explained, and I understand, that there is **NO** mandatory minimum punishment of \_\_\_\_\_ years imprisonment and **NO** mandatory minimum fine of \$\_\_\_\_\_ for the offense(s) charged in Count(s) \_\_\_\_\_.

I understand that if I plead **GUILTY** to Count(s) **ONE** of the **INFORMATION** I face a maximum sentence on those Count(s) of **20** years imprisonment, plus an aggregate fine of **\$250,000**. My lawyer has additionally explained, and I understand, that in addition to or in lieu of the penalties already discussed, I may be ordered to make restitution to any victim of the offense and that the Court may require me to make a restitution in services instead of money or to make restitution to a designated third person or organization instead of the victim. I understand that in determining whether to order restitution and the amount of restitution the Court will consider the amount of the loss sustained by any victim as a result of the offense, my financial resources, the financial needs and earning ability of my dependents, and any other factors as the Court deems appropriate.

I understand that I will be assessed \$100 for each felony upon which I am sentenced and \$25 for each misdemeanor, if any.

24. I hereby declare that no officer or agent of any branch of government, (Federal, State or local), nor my lawyer, nor any other person, has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I will receive a lighter sentence, or probation, or any other form of leniency if I plead **GUILTY**. My lawyer has explained, and I understand, that only the judge may decide what punishment I shall receive, and that if any person has told me otherwise, that person is not telling me the truth.
25. I understand that the sentence to be imposed upon me is within the sole discretion of the sentencing judge, subject to the provisions of the Sentencing Reform Act of 1984.
26. I understand that in deciding what sentence to impose upon me, the sentencing judge is required to consider the maximum and minimum prison terms, fines and terms of supervised release recommended under the Sentencing Guidelines. I understand that the Sentencing Guidelines may authorize departures from the maximum and minimum Guidelines recommendations under certain circumstances.

27. I understand that the Sentencing Guidelines are advisory, and that the sentencing judge must also consider the other statutory factors identified in 18 U.S.C. § 3553(a) in deciding what sentence to impose. I understand that the judge has the authority to impose a sentence more severe (up to the statutory maximum) or less severe than the sentencing range recommended by the Guidelines.
28. I have discussed with my attorney how the Sentencing Guidelines might apply to my case.
29. I understand that the Court will not be able to determine the sentence for my case until after the Presentence Report has been completed and both I and the Government have had an opportunity to read the report and challenge any facts reported by the probation officer.
30. I understand that the Court may be bound to impose a fine in accordance with statutory requirements.
31. I understand that parole has been abolished and that if I am sentenced to prison I will not be released on parole.
32. I further understand that the Court **SHALL** impose a term of supervised release to follow any term of imprisonment and that any violation of that term of supervised release may result in an additional term of imprisonment. I understand that I am subject to a term of supervised release of up to **THREE** years, the statutory maximum period of supervised release for the crime(s) to which I am pleading guilty.  
  
I further understand that the provisions of 21 U.S.C. § \_\_\_\_\_, which provide for a mandatory minimum term of supervised release of \_\_\_\_\_ years, [DO] [DO NOT] apply to my case.
33. I understand that I will have no right to withdraw my plea on the grounds that anyone's prediction as to the Guidelines range or expectation of sentence proves inaccurate.
34. My lawyer has explained to me, and I understand, that if I am not a citizen of the United States, my plea of GUILTY to the charged offense(s) **WILL LIKELY** result in my being subject to separate immigration law proceedings to have me removed from the United States by making me deportable, excludable, or inadmissible, or ending my naturalization.
35. My lawyer has explained to me, and I understand, that if the charged offense(s) is a sex offense under 42 U.S.C. § 16911(5), my plea of GUILTY **WILL LIKELY** result in a requirement that I register as a sex offender under Federal and State law, and I will be subject to the registration law's requirements and penalties.

PLEA AGREEMENT

36. I hereby declare that I have not been forced, coerced or threatened in any manner by any person to plead GUILTY to these charge(s). Nor have I been told that if I refuse to plead GUILTY, other persons will be prosecuted.

37. There **HAS** been a plea agreement entered into between me and the United States Attorney, by Assistant United States Attorney **SHIRLEY U. EMEHELU**.

☐ The plea agreement DOES NOT exist in written form.

☒ The plea agreement DOES exist in written form. I have read it or have had it read to me in **ENGLISH** (LANGUAGE). My lawyer has explained it to me and I understand it.

38. The substance of the plea agreement is: **I CONSPIRED TO DEFRAUD BY CAUSING MONEY TO BE WIRED IN ORDER TO EXECUTE THE SCHEME**

39. The plea agreement **DOES** contain any stipulations by the parties.

IF APPLICABLE, CHOOSE ONE OF THE FOLLOWING:

☒ I understand that my plea agreement sets forth a Guidelines calculation which I agree is the total Guidelines offense level applicable to me in this case. I further understand that I have waived the right to argue that the sentencing judge should impose a sentence below the range that results from this offense level, and that the government has waived the right to argue for a sentence above the range that results from this offense level.

☐ I understand that my plea agreement sets forth a Guidelines calculation which I agree is the total Guidelines offense level applicable to me in this case. I further understand that with the exception of arguments regarding a departure as set forth in Paragraph \_\_\_\_ of Schedule A to the plea agreement, I have waived the right to argue that the sentencing judge should impose a sentence below the range that results from this offense level, and the government has waived the right to argue for a sentence above the range that results from this offense level.

☐ The plea agreement contains stipulations regarding certain facts. I understand that if the sentencing court accepts a factual stipulation set forth in the plea agreement, both I and the government have waived the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing court erred in doing so.

40. I understand that my plea agreement **DOES PROVIDE** that under certain circumstances I have waived my right to appeal or collaterally attack the sentence imposed in this case.

41. My lawyer has explained to me, and I understand, that if the judge accepts my GUILTY plea under the plea agreement, including the government's proposal to dismiss charges or to not bring other charges, the judge is not bound to follow the other terms in the plea agreement, including the stipulations recommending that a particular sentence or sentencing range is appropriate or that a particular provision of the Guidelines does or does not apply. I understand that if the judge does not follow one or all of the other terms of the plea agreement, including the stipulations, I will have no right to withdraw my GUILTY plea, even if the disposition of my case may be less favorable than that proposed in the plea agreement.
42. I believe that my lawyer has done all that anyone could do to counsel and assist me, AND I AM SATISFIED WITH THE ADVICE AND HELP MY LAWYER HAS GIVEN ME.
43. I know the judge will not permit anyone to plead GUILTY who claims to be innocent, and with that in mind and because I am GUILTY, I respectfully request that the Court accept my plea of GUILTY and to have the Clerk enter my plea of GUILTY as follows: To Count(s) **ONE** of this **INFORMATION**.
44. I offer my plea of GUILTY freely and voluntarily and of my own accord with full understanding of all matters set forth in the **INFORMATION** in this application, and in the certification of my lawyer which is attached to this application.
45. I further declare that I wish to waive the reading of the **INFORMATION** in open court, and I request the Court to enter my plea of GUILTY as set forth in Paragraph 43, above.
46. The following person(s), if any, assisted me in completing this application: **K. ANTHONY THOMAS**.

I hereby certify that the foregoing information and statements herein are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed by me in open court in the presence of my lawyer this

28th day of APRIL, 2015.

  
Defendant

CERTIFICATION OF COUNSEL

**K. ANTHONY THOMAS** hereby certifies that:

1. I am an attorney at law of the State of **NEW JERSEY** and have been **ASSIGNED TO REPRESENT** the defendant **BOBBY BOYE**, in CRIMINAL No. **15** (FLW).
2. I have read and fully explained to the defendant the allegations contained in the **INFORMATION**.
3. To the best of my knowledge and belief the statements, representations, and declarations made by the defendant in the foregoing Application are in all respects accurate and true.
4. (IF APPLICABLE) In my opinion the defendant's waiver of indictment by grand jury is voluntarily and knowingly made, and I recommend to the Court that the waiver be accepted by the Court.
5. In my opinion the defendant's waiver of reading the **INFORMATION** in open court as provided in Rule 11 is voluntarily and knowingly made, and I recommend to the Court that the waiver be accepted by the Court.
6. I have explained the maximum and any mandatory minimum penalty for each count to the defendant. I have explained to him that he may be ordered to make restitution under the Victim and Witness Protection Act.
7. I have explained to the defendant that in imposing sentence, the sentencing judge is required to consider the Sentencing Guidelines, and I have further explained how the Guidelines might apply to this offense and to the defendant. I have further explained to the defendant that the Guidelines are advisory, not mandatory, and that the sentencing judge may impose a sentence higher or lower than that recommended by the Guidelines.
8. The plea of **GUILTY** offered by the defendant in Paragraph 41 accords with my understanding of the facts related to me and is consistent with my advice to the defendant.
9. In my opinion the plea of **GUILTY** as offered by the defendant in Paragraph 41 of this Application is voluntarily made with understanding of the consequences of the plea. I recommend that the Court accept the plea of **GUILTY**.

Signed by me in open court in the presence of the defendant above named, and after full disclosure of the contents of this Certification to the defendant, this 28 day of April, 2015.

  
Attorney for the Defendant

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
MINUTES OF PROCEEDINGS

OFFICE: Trenton

April 28, 2015  
DATE OF PROCEEDING

JUDGE FRED A. L. WOLFSON

Docket #3:15-CR-196-01(FLW)

COURT REPORTER: VINCENT RUSSONIELLO

TITLE OF CASE:

UNITED STATES OF AMERICA

vs.

BOBBY BOYE

DEFT. PRESENT

APPEARANCE:

Shirley U.Emehelu, AUSA for Government.  
K. Anthony Thomas, AFD for Defendant.  
Laurie Nadler, U.S. Pretrial Services.

NATURE OF PROCEEDINGS: WAIVER OF INDICTMENT & PLEA

Ordered defendant sworn; defendant sworn.  
Initial appearance on Information.  
Defendant advised of rights, charges and penalties.  
Waiver of indictment filed.  
INFORMATION filed.  
PLEA: GUILTY TO A One Count Information.  
Terms of plea agreement read into the record.  
Ordered plea agreement approved.  
Ordered plea accepted.  
Plea Agreement and Rule 11 documents filed.  
Ordered sentencing set for August 13, 2015 @ 10:00 A.M.  
Application by defendant for bail modifications.  
Ordered bail continued as previously set.

Time commenced: 11:00 A.M.

Time Adjourned: 11:40 A.M.

Total Time: (40)

s/Jacqueline Gore  
DEPUTY CLERK

cc: Chambers





**U.S. Department of Justice**

*United States Attorney  
District of New Jersey*

970 Broad Street, Suite 700  
Newark, NJ 07102

973/645-2700

SUE/PL AGR  
2013R01059

March 12, 2015

K. Anthony Thomas, Esq.  
Office of the Federal Public Defender  
1002 Broad Street  
Newark, NJ 07102

Re: Plea Agreement with BOBBY BOYE 15-196-01 (FLW)  
(a/k/a "Bobby Ajiboye," a/k/a "Bobby Aji-Boye")

Dear Mr. Thomas:

This letter sets forth the plea agreement between your client, BOBBY BOYE, a/k/a "Bobby Ajiboye," a/k/a "Bobby Aji-Boye," and the United States Attorney for the District of New Jersey ("this Office"). This offer will remain open until March 20, 2015, and if this plea agreement is not executed and returned to this Office on or before that date, this offer will expire.

Charge

Conditioned on the understandings specified below, this Office will accept a guilty plea from BOBBY BOYE to a one-count Information that charges that BOBBY BOYE conspired to commit wire fraud, contrary to Title 18, United States Code, Section 1343 and in violation of Title 18, United States Code, Section 1349. If BOBBY BOYE enters a guilty plea and is sentenced on this charge, and otherwise fully complies with all of the terms of this agreement, this Office will not initiate any further criminal charges against BOBBY BOYE for, between in or about March 2012 through in or about May 2013, conspiring with others to commit wire fraud by engaging in a scheme to defraud Country A whereby BOBBY BOYE caused Country A to award a multi-million dollar consulting

contract to his firm, Opus & Best Law Services LLC ("Opus & Best"), without disclosing his affiliation with Opus & Best to Country A, and then diverted to his own personal use the more than \$3.5 million that Country A paid to Opus & Best under the contract. However, in the event that a guilty plea in this matter is not entered for any reason or the judgment of conviction entered as a result of this guilty plea does not remain in full force and effect, defendant agrees that any dismissed charges and any other charges that are not time-barred by the applicable statute of limitations on the date this agreement is signed by BOBBY BOYE may be commenced against him, notwithstanding the expiration of the limitations period after BOBBY BOYE signs the agreement.

### Sentencing

Pursuant to 18 U.S.C. § 1343, the violation of 18 U.S.C. § 1349 to which BOBBY BOYE agrees to plead guilty carries a statutory maximum prison sentence of 20 years, and a statutory maximum fine equal to the greatest of: (1) \$250,000; (2) twice the gross amount of any pecuniary gain that any persons derived from the offense; or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense. Fines imposed by the sentencing judge may be subject to the payment of interest.

The sentence to be imposed upon BOBBY BOYE is within the sole discretion of the sentencing judge, subject to the provisions of the Sentencing Reform Act, 18 U.S.C. §§ 3551-3742, and the sentencing judge's consideration of the United States Sentencing Guidelines. The United States Sentencing Guidelines are advisory, not mandatory. The sentencing judge may impose any reasonable sentence up to and including the statutory maximum term of imprisonment and the maximum statutory fine. This Office cannot and does not make any representation or promise as to what guideline range may be found by the sentencing judge, or as to what sentence BOBBY BOYE ultimately will receive.

Further, in addition to imposing any other penalty on BOBBY BOYE, the sentencing judge: (1) will order BOBBY BOYE to pay an assessment of \$100 pursuant to 18 U.S.C. § 3013, which assessment must be paid by the date of sentencing; (2) must order BOBBY BOYE to pay restitution pursuant to 18 U.S.C. § 3663 *et seq.*; (3) may order BOBBY BOYE, pursuant to 18 U.S.C. § 3555, to give notice to any victims of his offense; (4) must order forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461; and (5) pursuant to 18 U.S.C. § 3583, may require BOBBY BOYE to serve a term of supervised release of not more than three years, which will begin at the expiration of any term of imprisonment imposed. Should BOBBY BOYE be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, BOBBY BOYE may be sentenced to not more than two years' imprisonment in addition to any prison term previously imposed,

regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

In addition, BOBBY BOYE agrees to make full restitution for all losses resulting from the offense of conviction or from the scheme, conspiracy, or pattern of criminal activity underlying the offense, to Country A in the amount of \$3,510,000.

#### Rights of This Office Regarding Sentencing

Except as otherwise provided in this agreement, this Office reserves its right to take any position with respect to the appropriate sentence to be imposed on BOBBY BOYE by the sentencing judge, to correct any misstatements relating to the sentencing proceedings, and to provide the sentencing judge and the United States Probation Office all law and information relevant to sentencing, favorable or otherwise. In addition, this Office may inform the sentencing judge and the United States Probation Office of: (1) this agreement; and (2) the full nature and extent of BOBBY BOYE's activities and relevant conduct with respect to this case.

#### Stipulations

This Office and BOBBY BOYE agree to stipulate at sentencing to the statements set forth in the attached Schedule A, which hereby is made a part of this plea agreement. This agreement to stipulate, however, cannot and does not bind the sentencing judge, who may make independent factual findings and may reject any or all of the stipulations entered into by the parties. To the extent that the parties do not stipulate to a particular fact or legal conclusion, each reserves the right to argue the existence of and the effect of any such fact or conclusion upon the sentence. Moreover, this agreement to stipulate on the part of this Office is based on the information and evidence that this Office possesses as of the date of this agreement. Thus, if this Office obtains or receives additional evidence or information prior to sentencing that it determines to be credible and to be materially in conflict with any stipulation in the attached Schedule A, this Office shall not be bound by any such stipulation. A determination that any stipulation is not binding shall not release either this Office or BOBBY BOYE from any other portion of this agreement, including any other stipulation. If the sentencing court rejects a stipulation, both parties reserve the right to argue on appeal or at post-sentencing proceedings that the sentencing court was within its discretion and authority to do so. These stipulations do not restrict this Office's right to respond to questions from the Court and to correct misinformation that has been provided to the Court.

Waiver of Appeal and Post-Sentencing Rights

As set forth in Schedule A, this Office and BOBBY BOYE waive certain rights to file an appeal, collateral attack, writ, or motion after sentencing, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255.

Forfeiture

BOBBY BOYE agrees that as part of his acceptance of responsibility and pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, he will consent to the entry of a forfeiture money judgment in the amount of \$4,233,015.42 (the "Forfeiture Money Judgment"). Defendant acknowledges that the Forfeiture Money Judgment is subject to forfeiture as property, real or personal, that constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1349, which constitutes a specified unlawful activity within the meaning of 18 U.S.C. § 981(a)(1)(C), or a conspiracy to commit such offense and/or substitute assets for property subject to forfeiture, as described in 21 U.S.C. § 853(p).

Payment of the Forfeiture Money Judgment shall be made by certified or bank check payable to the United States Marshals Service. On or before the date he enters his plea of guilty pursuant to this agreement, BOBBY BOYE shall cause said check to be hand delivered to the Asset Forfeiture and Money Laundering Unit, United States Attorney's Office, District of New Jersey, 970 Broad Street, Newark, New Jersey 07102.

If the Forfeiture Money Judgment is not paid on or before the date BOBBY BOYE enters his plea of guilty pursuant to this agreement, interest shall accrue on any unpaid portion thereof at the judgment rate of interest from that date. Furthermore, if BOBBY BOYE fails to pay any portion of the Forfeiture Money Judgment on or before the date of his guilty plea, he consents to the forfeiture of any other property alleged to be subject to forfeiture in the Information, including substitute assets, in full or partial satisfaction of the money judgment, and remains responsible for the payment of any deficiency until the Forfeiture Money Judgment is paid in full.

Further, as part of his acceptance of responsibility, and pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461, BOBBY BOYE agrees to forfeit to the United States any right, title, or interest in the property seized or retrained on or about June 19, 2014 (the "Specific Assets"), in partial satisfaction of the Forfeiture Money Judgment as follows:

(a) any and all funds contained in the below described bank accounts held at J.P. Morgan Chase bank:

i. Account Number [REDACTED] 0399 held in the name of Opus and Best, LLC.

ii. Account Number [REDACTED] 6170 held in the name of Bobby Boye and/or E [REDACTED] K [REDACTED].

iii. Account number [REDACTED] 5820 held in the name of Bobby Boye.

iv. Account number [REDACTED] 7116 held in the name of Bobby Boye and/or E [REDACTED] K [REDACTED].

v. Account number [REDACTED] 2735 held in the name of Bobby Boye and/or E [REDACTED] K [REDACTED].

(b) the below vehicles:

i. 2012 Silver Bentley Continental  
VIN: [REDACTED] 73091  
New Jersey License #: BB73GE  
Registered Owner: Bobby W. Boye

ii. 2012 Black Range Rover  
VIN: [REDACTED] 87702  
New Jersey License #: A11CHT  
Registered Owner: Bobby W. Boye

iii. 2011 Rolls Royce  
VIN: [REDACTED] 49882  
New Jersey License #: BB81GE  
Registered Owner: Bobby W. Boye

(c) the below watches:

i. IWC "DaVinci" Perpetual  
Calender/Moonphase/Chronograph Kurt Klaus Limited  
Edition watch, IW3762-04, Serial #3437866, with black  
alligator strap.

ii. Franck Muller "Conquistador Grand Prix" watch, model  
8900 SC GP, Serial #53, with black alligator strap.

(d) the below real property or any proceeds traceable to such real

property:

- i. 25 Crescent Hollow Court, Ramsey, New Jersey.
- ii. 36 Rosewood Court, North Haledon, New Jersey.
- iii. 9 Cobblestone Court, Oakland, New Jersey.
- iv. 140 Grove Street, Elizabeth, New Jersey.

BOBBY BOYE acknowledges that the Specific Assets are subject to forfeiture as property, real or personal, which constitutes or is derived from proceeds traceable to his violation of 18 U.S.C. § 1349 and/or represents substitute assets as described in 21 U.S.C. § 853(p). All right, title, and interest in the Specific Assets, and all proceeds traceable thereto, shall be transferred or delivered to the United States on or before the date the Defendant enters his guilty plea pursuant to this agreement.

BOBBY BOYE represents that he has disclosed all of his assets to the United States on the attached Financial Disclosure Statement. BOBBY BOYE agrees that if the government determines that he has intentionally failed to disclose assets on that Financial Disclosure Statement, that failure constitutes a material breach of this agreement. In addition, BOBBY BOYE consents to the administrative, civil, and/or criminal forfeiture of his interests in any assets that he failed to disclose on the Financial Disclosure Statement. Should undisclosed assets that the defendant owns or in which the defendant has an interest be discovered, BOBBY BOYE knowingly and voluntarily waives his right to any required notice concerning the forfeiture of said assets. BOBBY BOYE further agrees to execute any documents necessary to effectuate the forfeiture of said assets.

BOBBY BOYE further agrees to waive all interest in the Specific Assets and any other property forfeited in partial or full satisfaction of the Forfeiture Money Judgment in any administrative or judicial forfeiture proceeding, whether criminal or civil, state or federal. The defendant agrees to consent to the entry of orders of forfeiture for the Specific Assets and any other property forfeited in partial or full satisfaction of the Forfeiture Money Judgment and waives the requirements of Rules 32.2 and 43(a) of the Federal Rules of Criminal Procedure regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. Defendant understands that the forfeiture of assets 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) of the Federal Rules of Criminal Procedure at the guilty plea proceeding.



BOBBY BOYE hereby waives any and all claims that this forfeiture constitutes an excessive fine and agrees that this forfeiture does not violate the Eighth Amendment.

#### Immigration Consequences

The defendant understands that, if he is not a citizen of the United States, his guilty plea to the charged offense(s) may result in his being subject to immigration proceedings and removed from the United States by making him deportable, excludable, or inadmissible, or ending his naturalization. The defendant understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. The defendant wants and agrees to plead guilty to the charged offense(s) regardless of any immigration consequences of this plea, even if this plea will cause his removal from the United States. The defendant understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, the defendant waives any and all challenges to his guilty plea and to his sentence based on any immigration consequences, and agrees not to seek to withdraw his guilty plea, or to file a direct appeal or any kind of collateral attack challenging his guilty plea, conviction, or sentence, based on any immigration consequences of his guilty plea.

#### Other Provisions

This agreement is limited to the United States Attorney's Office for the District of New Jersey and cannot bind other federal, state, or local authorities. However, this Office will bring this agreement to the attention of other prosecuting offices, if requested to do so.

This agreement was reached without regard to any civil or administrative matters that may be pending or commenced in the future against BOBBY BOYE. This agreement does not prohibit the United States, any agency thereof (including Immigration and Customs Enforcement), or any third party from initiating or prosecuting any civil or administrative proceeding against BOBBY BOYE.

No provision of this agreement shall preclude BOBBY BOYE from pursuing in an appropriate forum, when permitted by law, an appeal, collateral attack, writ, or motion claiming that BOBBY BOYE received constitutionally ineffective assistance of counsel.



No Other Promises

This agreement constitutes the plea agreement between BOBBY BOYE and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

Very truly yours,

PAUL J. FISHMAN  
United States Attorney



By: SHIRLEY U. EMEHELU  
Assistant U.S. Attorney

APPROVED:




---

GURBIR S. GREWAL  
Chief, Economic Crimes Unit

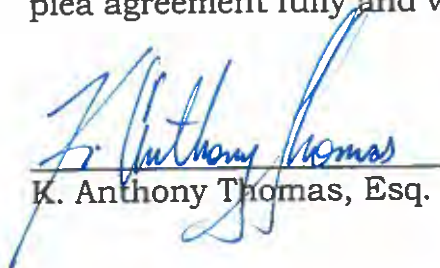
I have received this letter from my attorney, K. Anthony Thomas, Esq. I have read it. My attorney and I have discussed it and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver, forfeiture, and immigration consequences. I understand this letter fully. I hereby accept its terms and conditions and acknowledge that it constitutes the plea agreement between the parties. I understand that no additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties. I want to plead guilty pursuant to this plea agreement.

AGREED AND ACCEPTED:

  
BOBBY BOYE

Date: 3/19/15

I have discussed with my client this plea agreement and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver, forfeiture, and immigration consequences. My client understands this plea agreement fully and wants to plead guilty pursuant to it.

  
K. Anthony Thomas, Esq.

Date: 3/19/2015

Plea Agreement with BOBBY BOYE

Schedule A

1. This Office and BOBBY BOYE recognize that the United States Sentencing Guidelines are not binding upon the Court. This Office and BOBBY BOYE nevertheless agree to the stipulations set forth herein, and agree that the Court should sentence BOBBY BOYE within the Guidelines range that results from the total Guidelines offense level set forth below. This Office and BOBBY BOYE further agree that neither party will argue for the imposition of a sentence outside the Guidelines range that results from the agreed total Guidelines offense level.

2. The version of the United States Sentencing Guidelines effective November 1, 2014 applies in this case. The applicable guideline is U.S.S.G. § 2B1.1. Because the substantive offense of wire fraud has a statutory maximum term of imprisonment of 20 years or more, the Base Offense Level is 7 pursuant to U.S.S.G. § 2B1.1(a)(1).

3. The parties agree that under U.S.S.G. § 2X1.1(b)(2), BOBBY BOYE and his co-conspirators completed all the acts the conspirators believed necessary on their part for the successful completion of the substantive offense of wire fraud.

4. Specific Offense Characteristic § 2B1.1(b)(1)(J) applies because the aggregate loss amount is greater than \$2,500,000 but not more than \$7,000,000. This Specific Offense Characteristic results in an increase of 18 levels.

5. BOBBY BOYE abused a position of private trust in a manner that significantly facilitated the commission or concealment of the relevant criminal activity, pursuant to U.S.S.G. § 3B1.3. This results in an increase of 2 levels.

6. The total Guideline offense level applicable to BOBBY BOYE is therefore 27. See U.S.S.G. § 3D1.3(b) & app. n. 3.

7. As of the date of this letter, BOBBY BOYE has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for the offenses charged. Therefore, a downward adjustment of 2 levels for acceptance of responsibility is appropriate if BOBBY BOYE's acceptance of responsibility continues through the date of sentencing. See U.S.S.G. § 3E1.1(a).

8. As of the date of this letter, BOBBY BOYE has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting this Office to avoid preparing for trial and permitting this Office and the court to allocate their resources efficiently. At sentencing, this Office will move for a further 1-point reduction in BOBBY BOYE's offense level pursuant to U.S.S.G. § 3E1.1(b) if the following conditions are met: (a) BOBBY BOYE enters a plea pursuant to this agreement, (b) this Office in its discretion determines that BOBBY BOYE's acceptance of responsibility has continued through the date of sentencing and BOBBY BOYE therefore qualifies for a 2-point reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a), and (c) BOBBY BOYE's offense level under the Guidelines prior to the operation of § 3E1.1(a) is 16 or greater.

9. In accordance with the above, the parties agree that the total Guidelines offense level applicable to BOBBY BOYE is 24 (the "agreed total Guidelines offense level").

10. The parties agree not to seek or argue for any upward or downward departure, adjustment or variance not set forth herein. The parties further agree that a sentence within the Guidelines range that results from the agreed total Guidelines offense level of 24 is reasonable.

11. BOBBY BOYE knows that he has and, except as noted below in this paragraph, voluntarily waives, the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255, which challenges the sentence imposed by the sentencing court if that sentence falls within or below the Guidelines range that results from the agreed total Guidelines offense level of 24. This Office will not file any appeal, motion, or writ which challenges the sentence imposed by the sentencing court if that sentence falls within or above the Guidelines range that results from the agreed total Guidelines offense level of 24. The parties reserve any right they may have under 18 U.S.C. § 3742 to appeal the sentencing court's determination of the criminal history category. The provisions of this paragraph are binding on the parties even if the Court employs a Guidelines analysis different from that stipulated to herein. Furthermore, if the sentencing court accepts a stipulation, both parties waive the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing court erred in doing so.

12. Both parties reserve the right to oppose or move to dismiss any appeal, collateral attack, writ, or motion barred by the preceding paragraph and to file or to oppose any appeal, collateral attack, writ or motion not barred by the preceding paragraph.



*United States Attorney  
District of New Jersey*

*Economic Crimes Unit*

*Shirley U. Emehelu  
Assistant U.S. Attorney*

*970 Broad Street, Suite 700  
Newark, NJ 07102*

*Tel: (973)353-6024  
Fax: (973)297-2045*

July 8, 2015

**Via ECF**

Honorable Freda L. Wolfson  
United States District Judge  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street, Room 2020  
Trenton, NJ 08608

Re: United States v. Bobby Boye (Crim. No. 15-196)

Dear Judge Wolfson:

The Government respectfully requests an adjournment of defendant Bobby Boye's sentencing, which is currently scheduled before Your Honor for Thursday, August 13, 2015 at 10:00 a.m. Counsel for defendant Boye, K. Anthony Thomas, Esq., and Senior United States Probation Officer Renée Caggia join the request for an adjournment.

The parties and the United States Probation Office desire additional time for the preparation and review of the draft Presentence Report ("PSR"), so as to furnish the parties sufficient time to make any corrections, comments, or objections to the draft PSR in advance of sentencing pursuant to the District Court's Standing Order (D.N.J. July 7, 2000) and Federal Rule of Criminal Procedure 32(f)(1). The parties are available in October, should that time period work for the Court.

Thank you for your consideration.

Respectfully submitted,

PAUL J. FISHMAN  
United States Attorney

*s/ Shirley U. Emehelu*

By: SHIRLEY U. EMEHELU  
Assistant U.S. Attorney

cc: K. Anthony Thomas, Esq. (via ECF and e-mail)  
Renée Caggia, Sr. U.S.P.O. (via e-mail)

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
Minutes of Proceedings

OFFICE: TRENTON

October 15, 2015  
DATE OF PROCEEDINGS

Judge Freda L. Wolfson, U.S.D.J.

Docket #3:15-CR-196-01(FLW)

Court Reporter: Vincent Russoniello  
U.S. Probation Officer: Don Martenz

Title of Case:  
UNITED STATES OF AMERICA

vs.

BOBBY BOYE

a/k/a Bobby Ajiboye

a/k/a Bobby Aji-Boye

DEFT. PRESENT

Appearances:

Shirley Emehelu, AUSA for Government.  
K. Anthony Thomas, AFD for Defendant.

Nature of Proceedings: SENTENCING ON Count One of the Information.

Imprisonment: 72 Months

Supervised Release: 3 Years with special conditions.

Restitution:\$3,510,000.00.(interest waived)

Fine Waived.

Special Assessment:\$100.00.

Forfeiture Ordered. Forfeiture Order to be filed.

Defendant to voluntarily surrender to the designated institution.

Parties advised of appeal rights.

Time Commenced: 11:00 A.M.

Time Adjourned 12:30 P.M.

Total Time: (1.5)

s/Jacqueline Gore  
**DEPUTY CLERK**

RECEIVED

OCT 15 2015

2013R01059/SUE/BAW/gr

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Freda L. Wolfson, U.S.D.J.
	:	
v.	:	Crim. No. 15-196 (FLW)
	:	
BOBBY BOYE,	:	CORRECTED CONSENT
a/k/a "Bobby Ajiboye,"	:	JUDGMENT OF FORFEITURE
a/k/a "Bobby Aji-Boye,"	:	(MONEY JUDGMENT) AND
	:	PRELIMINARY ORDER OF
Defendant.	:	FORFEITURE AS TO SPECIFIC
	:	PROPERTY (FINAL AS TO THE
	:	DEFENDANT)

WHEREAS, on or about July 16, 2015, the Court entered a Consent Judgment of Forfeiture (Money Judgment) and Preliminary Order of Forfeiture as to Specific Property (Final as to the Defendant ) (the "Preliminary Order") imposing the Money Judgment upon the defendant and forfeiting all of his title and interest in certain specific property (the "Specific Property"). A copy of the Preliminary Order is attached hereto as Exhibit A and incorporated herein by reference as if set out in full;

WHEREAS, upon the request of the United States, the Preliminary Order is hereby corrected to add further detail to the description of one of the specific properties included in the Preliminary Order;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED  
THAT:



1. The description of the real property identified in paragraph (c)(iii) on page 2, and in paragraph 6(b)(iii) on page 6, of the Consent Judgment of Forfeiture (Money Judgment) and Preliminary Order of Forfeiture as to Specific Property (Final as to the Defendant ) entered on or about July 16, 2015 (the "Preliminary Order") is hereby stricken and replaced with the following:

*(c) All of the defendant's right, title, and interest, including all appurtenances and improvements thereon, in the following real property, which the defendant admits constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information . . .*

iii. *Real property commonly known as 140 Grove Street, Elizabeth, New Jersey, now known as 142-144 Grove Street, Elizabeth, New Jersey. (A copy of a Deed recorded on October 16, 2012, including a legal description, is attached as Exhibit B to this Corrected Consent Judgment of Forfeiture (Money Judgment) and Preliminary Order of Forfeiture as to Specific Property (Final as to the Defendant); . . .*

2. The Preliminary Order shall remain in full force and effect in all other respects.

3. This Order is final as to the defendant at the time of its entry by the Court, shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

4. Pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the United States shall publish notice of this Order for at least 30 consecutive days on the government internet site [www.forfeiture.gov](http://www.forfeiture.gov). The United States shall also send notice of this Order to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

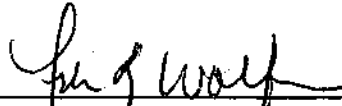
5. Pursuant to Fed R. Crim. P. 23.2(b)(6) and 21 U.S.C. § 853(n)(2) and (n)(3), the notice of forfeiture must describe the forfeited property with reasonable particularity, state the times by which a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition. The notice shall also state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought.

6. Any person, other than defendant Bobby Boye, claiming interest in the Specific Property must file a petition within 60 days from the first day of publication of notice on the government internet site (or no later than 35 days from the mailing of direct notice, if direct notice is sent to the petitioner or the petitioner's attorney), pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and Rule G(4) and G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

7. Upon adjudication of all third party interests, the Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n)(7) and Fed. R. Crim. P. 32.2(c)(2), in which all interests will be addressed.

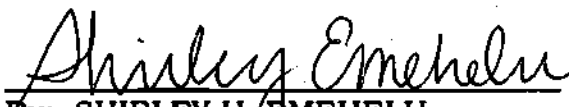
8. This Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

ORDERED this 15<sup>th</sup> day of October, 2015.

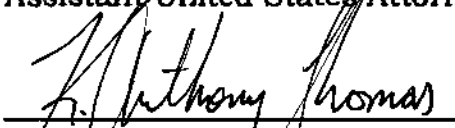
  
HONORABLE FREDA L. WOLFSON  
United States District Judge

The undersigned hereby consent to the entry and form of this order:

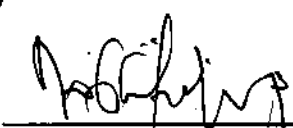
PAUL J. FISHMAN  
United States Attorney

  
By: SHIRLEY U. EMEHELU  
BARBARA A. WARD  
Assistant United States Attorneys

Dated: 10/15/15

  
K. ANTHONY THOMAS, ESQ.  
Attorney for Defendant Bobby Boye

Dated: 10/15/15

  
BOBBY BOYE, Defendant

Dated: 10/15/15

# **EXHIBIT A**

2013R01039/SUB/BAW/gr

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<b>UNITED STATES OF AMERICA</b>	:	<b>Hon. Freda L. Wolfson, U.S.D.J.</b>
<b>v.</b>	:	<b>Crim. No. 15-196 (FLW)</b>
<b>BOBBY BOYE,</b>	:	<b>CONSENT JUDGMENT OF</b>
<b>a/k/a "Bobby Ajiboye,"</b>	:	<b>FORFEITURE (MONEY</b>
<b>a/k/a "Bobby Aji-Boye,"</b>	:	<b>JUDGMENT) AND PRELIMINARY</b>
<b>Defendant.</b>	:	<b>ORDER OF FORFEITURE AS TO</b>
	:	<b>SPECIFIC PROPERTY (FINAL AS</b>
	:	<b>TO THE DEFENDANT)</b>
	:	

WHEREAS, on or about April 28, 2015, defendant Bobby Boye, a/k/a "Bobby Ajiboye," a/k/a "Bobby Aji-Boye," ("Bobby Boye" or the "defendant") pleaded guilty pursuant to a plea agreement with the United States to a one-count Information, which charged him with conspiracy to commit wire fraud, contrary to 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349 (the "Information");

WHEREAS, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), a person convicted of a violation of 18 U.S.C. § 1343, which constitutes a specified unlawful activity within the meaning of 18 U.S.C. § 1955(c)(7), or a conspiracy to commit such offense, as alleged in the Information, shall forfeit to the United States all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of such offense;

**WHEREAS, as part of his plea agreement, the defendant agreed to forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C.**

**§ 2461(c):**

- (a) A sum of money equal to \$4,233,015.42, representing the amount of proceeds obtained as a result of the offense of conviction (the "Money Judgment"); and**
- (b) All of the defendant's right, title and interest in the following property, which was seized or restrained on or about June 19, 2014, which the defendant admits constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information:**
  - i. The contents of JPMorgan Chase Bank account number [REDACTED] 0399, held in the name of Opus and Best, LLC (approximately \$103.84);**
  - ii. Approximately \$8,408 in U.S. currency seized from the defendant; and**
- (c) All of the defendant's right, title, and interest, including all appurtenances and improvements thereon, in the following real property, which the defendant admits constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information:**
  - i. 25 Crescent Hollow Court, Ramsey, New Jersey;**
  - ii. 36 Rosewood Court, North Haledon, New Jersey; and**
  - iii. 140 Grove Street, Elizabeth, New Jersey;**

**(hereinafter referred to collectively as the "Specific Property"), with any forfeited money and the net proceeds derived from the sale of the forfeited Specific Property to be applied to the Money Judgment, in partial satisfaction thereof;**

**WHEREAS, the following administratively forfeited assets or their net sale proceeds will also be applied to the Money Judgment, in partial satisfaction thereof:**

- (a) Approximately \$316,759.63, representing the net proceeds from the sale of the real property located at 9 Cobblestone Court, Oakland, New Jersey;
- (b) One Franck Muller Conquistador Grand Prix Watch;
- (c) One 2012 Bentley Continental, VIN [REDACTED] 73091;
- (d) One 2011 Rolls Royce Ghost, VIN [REDACTED] 49882;
- (e) One 2012 Land Rover Range Rover, VIN [REDACTED] 87702; and
- (f) Stock Certificate No. B-1 for 301,350 Shares of Herbal Water, Inc., held by Opus & Best LLC;

WHEREAS, in the plea agreement, the defendant further consented to the entry of orders of forfeiture pursuant to Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure; waived the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the Judgment of Conviction; acknowledged that he understood that forfeiture of assets is part of the sentence that will be imposed upon him in this case and waived any failure by the Court to advise him of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing; and waived any and all claims that the forfeiture constitutes an excessive fine and agreed that the forfeiture did not violate the Eighth Amendment;

WHEREAS, the defendant agrees that this Order is final at the time of its entry by the Court, pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure;



WHEREAS, the provisions of 21 U.S.C. § 853(n) (incorporated by 28 U.S.C. § 2461(c)) require publication and notice to third parties known to have alleged an interest in forfeited specific property and the disposition of any petitions filed under 21 U.S.C. § 853(n) before the United States may have clear title to such property;

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment.

WHEREAS, good and sufficient cause having been shown, it is hereby ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

**Money Judgment**

1. As a result of the defendant's conviction of the wire fraud conspiracy offense charged in the Information, and pursuant to the plea agreement and 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(1) and (b)(2), a criminal forfeiture money judgment in the amount of \$4,233,015.42 (the "Money Judgment") is hereby entered against the defendant Bobby Boye.
2. Upon entry of this Consent Judgment and Order of Forfeiture, this Order is final as to the defendant at the time of its entry by the Court, shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.
3. All payments on the Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the

United States Marshals Service, and delivered by mail to the United States Attorney's Office, District of New Jersey, Attn: Asset Forfeiture and Money Laundering Unit, 970 Broad Street, 7th Floor, Newark, New Jersey 07102, and shall indicate the defendant's name and case number on the face of the check.

4. Pursuant to 21 U.S.C. § 853, the United States Marshals Service is authorized to deposit all payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(3), upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of property to satisfy the Money Judgment, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

**Specific Property**

6. As a further result of the defendant's conviction of the wire fraud conspiracy offense charged in the Information, and pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(1) and (b)(2), and based upon the plea agreement, all of the defendant's right, title and interest in the following property (the "Specific Property"), is hereby forfeited to the United States of America for disposition according to law, subject to the provisions of 21 U.S.C. § 853:

(a) All of the defendant's right, title and interest in the following property, real or personal, which was seized or restrained on or about June 19, 2014, which the defendant admits constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information:

- i. The contents of JPMorgan Chase Bank account number [REDACTED] 0399, held in the name of Opus and Best, LLC (approximately \$103.84); and
- ii. Approximately \$8,408 in U.S. currency seized from the defendant; and

(b) All of the defendant's right, title, and interest, including all appurtenances and improvements thereon, in the following real property, which the defendant admits constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information:

- i. 25 Crescent Hollow Court, Ramsey, New Jersey;
- ii. 36 Rosewood Court, North Haledon, New Jersey; and
- iii. 140 Grove Street, Elizabeth, New Jersey.

7. Upon entry of a final order of forfeiture as to the Specific Property, any forfeited money and the net proceeds derived from the sale of forfeited property will be applied to the Money Judgment until the Money Judgment is satisfied in full.

8. By virtue of the defendant's guilty plea and the terms of the plea agreement, and pursuant to 21 U.S.C. § 853(g) and 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the United States is entitled, pending any assertion of third-party claims, to reduce the Forfeited Specific Property to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein.

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Marshals Service, its agent or designee is hereby authorized to:

- (a) take or maintain possession of the Specific Property and hold such property in its secure custody and control;
- (b) maintain existing insurance policies and, to the best of its ability, renew any other insurance policies, that the United States, in its sole discretion, determines to be necessary to preserve the value of the Specific Property pending sale;
- (c) solicit from among a limited number vendors assistance in the preservation or maintenance of the Specific Property pending sale and the disposal of personal property; and
- (d) enter into occupancy agreements as the United States may deem appropriate.

10. Pursuant to 21 U.S.C. § 853(g) and Rule 32.2(b)(3), the defendant, his attorneys, agents, spouse, and other family members, and anyone acting on his behalf, and all persons or entities acting in concert or participation with any of the above, and all persons and entities having actual knowledge of this Order:

- (a) shall not directly or indirectly, transfer, sell, assign, pledge, distribute, hypothecate, encumber, or dispose of in any manner; cause to be transferred, sold, assigned, pledged, distributed, hypothecated, encumbered, or disposed of in any manner; or take, or cause to be taken, any action that would have the effect of depreciating, damaging, or in any way diminishing the value of the Specific Property;
- (b) shall not use or permit the Specific Property to be used for any illegal activity; and
- (c) shall not take any action that would depreciate, damage, or in any way diminish the value of the Forfeited Specific Property without the prior written consent of the United States Attorney's Office.

11. In addition to abiding by the proscriptions set forth in paragraph 10, above, so long as the defendant Bobby Boye maintains custody and control of the above-described forfeited real property, the defendant shall not incur any debts or other liens against any of the forfeited real properties; will pay all taxes and other financial obligations owed on the forfeited real properties; will maintain the forfeited real properties in a reasonable manner; will carry appropriate insurance on the forfeited real properties; and will not allow the forfeited real properties to fall into disrepair.

12. In the event the defendant Bobby Boye is ever in violation of paragraphs 10 or 11 above, the defendant shall immediately vacate and surrender such real property or cause any occupants to immediately vacate and surrender such property.

13. Pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the United States shall publish notice of this Order for at least 30 consecutive days on the government internet site [www.forfeiture.gov](http://www.forfeiture.gov). The United States shall also send notice of this Order to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

14. Pursuant to Fed R. Crim. P. 23.2(b)(6) and 21 U.S.C. § 853(n)(2) and (n)(3), the notice of forfeiture must describe the forfeited property with reasonable particularity, state the times by which a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition. The notice shall also state

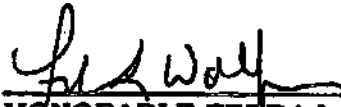
that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought.

15. Any person, other than defendant Bobby Boye, claiming interest in the Specific Property must file a petition within 60 days from the first day of publication of notice on the government internet site (or no later than 35 days from the mailing of direct notice, if direct notice is sent to the petitioner or the petitioner's attorney), pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and Rule G(4) and G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

16. Upon adjudication of all third party interests, the Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n)(7) and Fed. R. Crim. P. 32.2(c)(2), in which all interests will be addressed.


17. This Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

ORDERED this <sup>July</sup> 16<sup>th</sup> day of May, 2015.


  
HONORABLE FRED A. L. WOLFSON  
United States District Judge

The undersigned hereby consent to the entry and form of this order:

PAUL J. FISHMAN  
United States Attorney

  
By: SHIRLEY U. EMEHELE  
BARBARA A. WARD  
Assistant United States Attorneys

Dated: 7/16/2015

  
K. ANTHONY THOMAS, ESQ.  
Attorney for Defendant Bobby Boye

Dated: 7/16/2015

  
BOBBY BOYE, Defendant

Dated: 7/16/2015



# **EXHIBIT B**

**DEED**

Prepared By:

  
Michael T. Andril, Esq.

This DEED is made on October 11, 2012.

**BETWEEN** Trinity Christian Academy, a non profit corporation of the State of New Jersey

whose address is 417 Pennington Street, Elizabeth, NJ 07202 referred to as the GRANTOR.

**AND** Opus & Best, LLC

whose post office address is 100 Park Avenue, New York, New York referred to as the GRANTEE.

The words "GRANTOR" and "GRANTEE" shall mean all GRANTORS and all GRANTEES listed above.

**Transfer of Ownership.** The GRANTOR grants and conveys (transfers ownership of) the property described below to the GRANTEE. This transfer is made for the sum of One Dollar (\$1.00). The GRANTOR acknowledges receipt of this money.

**Tax Map Reference.** (N.J.S.A. 46:15-2.1) Municipality of Elizabeth Block No. Lot No. Account No.

**Property.** The property consists of the land and all the buildings and structures on the land in the of County of Union and State of New Jersey. The legal description is :

**SEE SCHEDULE "A" LEGAL DESCRIPTION ATTACHED**

Being commonly known as 140 Grove Street, Elizabeth, NJ.

Being the same premises conveyed to the Grantor herein by deed of Trinity Christian Center of the Assemblies of God dated September 1, 2009 and recorded in the Union County Clerk's Office on October 30, 2009 in Deed Book 5767 at Page 609.

The Grantor herein acknowledges and represents that the conditions for reverter as contained in the original deed of conveyance set forth above have been met and that the Grantor herein has neither a legal nor equitable claim to title in the premises. Notwithstanding the aforesaid the Grantor hereby quit claims any and all rights of any nature or kind that the Grantor has in the premises.

Subject to easements, restrictions and covenants of record and such state of facts as an accurate survey may reveal.



Received & Recorded  
Union County, NJ  
10/18/2012 3:52  
Joanna Rajchel  
County Clerk  
Grantee  
DEED  
Deed-1  
Inst# 236129  
Consider.  
RT Fee 1.00  
Pg-1  
00  
NOTARIAL PUBLIC

085927-0189

**TITLE INSURANCE COMMITMENT**  
*Issued by Acres Land Title Agency, Inc.*  
**AGENT FOR CHICAGO TITLE INSURANCE COMPANY**

---

Commitment Number: 288006

**SCHEDULE A**

**LEGAL DESCRIPTION**

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Elizabeth in the County of Union, State of NJ:

**BEGINNING** at a point in the westerly sideline of Grove Street being distant 80 feet from the intersection of the westerly sideline of Grove Street with the northerly sideline of Pennington Street and thence running;

(1) South 88 degrees 30 minutes West 34.09 feet to a point; **THENCE**

(2) North 58 degrees 51 minutes West 99.32 feet to a point; **THENCE**

(3) North 88 degrees 30 minutes East, 117.71 feet to a point; **THENCE**

(4) Along the westerly sideline of Grove Street, South 01 degree 30 minutes East 53.58 feet to the point and place of **BEGINNING**.

The above description is drawn in accordance with a survey made by Morgan Engineering, L.L.C., dated September 6, 2012.

**NOTE FOR INFORMATIONAL PURPOSES ONLY:** Being known and designated as Lot 1120 N/K/A 604, Block 13 on the Tax Map in the City of Elizabeth in the County of Union, State of NJ.

**FOR INFORMATION ONLY:** Premises in question is known as 142-144 Grove Street, Elizabeth, NJ 07202

085927-0190

UNITED STATES DISTRICT COURT  
District of New Jersey

UNITED STATES OF AMERICA

v.

Case Number 3:15-CR-196-01(FLW)

BOBBY BOYE  
a/k/a "Bobby Ajiboye"  
a/k/a "Bobby Aji-Boye"

Defendant.

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

The defendant, BOBBY BOYE, was represented by K. Anthony Thomas, AFPD.

The defendant pled guilty to count One of the INFORMATION on 4/28/2015. Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>	<u>Count Number(s)</u>
18:1349	Attempt and Conspiracy to Commit Wire Fraud	3/2012 - 5/2013	One

As pronounced on October 15, 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) One, 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 15<sup>th</sup> day of October, 2015.

  
FRED A L. WOLFSON  
United States District Judge

RECEIVED

OCT 15 2015

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

Defendant: BOBBY BOYE  
Case Number: 3:15-CR-196-01

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 72 Months.

The Court makes the following recommendations to the Bureau of Prisons: that the defendant be placed in the FCI Fort Dix, New Jersey facility.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons on November 30, 2015. If designation has not yet been made, the defendant shall surrender to the U.S. Marshal Office in Newark, New Jersey on November 30, 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: BOBBY BOYE  
Case Number: 3:15-CR-196-01

### **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:

#### **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.

#### **SELF-EMPLOYMENT/BUSINESS DISCLOSURE**

You shall cooperate with the U.S. Probation Office in the investigation and approval of any position of self-employment, including any independent, entrepreneurial, or freelance employment or business activity. If approved for self-employment, you shall provide the U.S. Probation Office with full disclosure of your self-employment and other business records, including, but not limited to, all of the records identified in the Probation Form 48F (Request for Self Employment Records), or as otherwise requested by the U.S. Probation Office.

Defendant: BOBBY BOYE  
Case Number: 3:15-CR-196-01

**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



Defendant: BOBBY BOYE  
Case Number: 3:15-CR-196-01

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

Defendant: BOBBY BOYE  
Case Number: 3:15-CR-196-01

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the amount of \$3,510,000.00. 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:

Ambassador Pierre-Richard Prosper  
Arent Fox LLP  
555 West Fifth Street, 48<sup>th</sup> Floor  
Los Angeles, California 90013.

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 commencement of supervision, the defendant shall satisfy the amount due in monthly installments of no less than \$500, 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.

Defendant: BOBBY BOYE  
Case Number: 3:15-CR-196-01

**RESTITUTION AND FORFEITURE**

**FORFEITURE**

The defendant is ordered to forfeit the following property to the United States:

The Court orders forfeiture as set forth in the Court's Consent Judgment of Forfeiture and Preliminary Order of Forfeiture dated 7/16/2015 and the Corrected Consent Judgment of Forfeiture and Preliminary Order of Forfeiture dated 10/15/2015.

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.

2013R01059/SUE/BAW/gr

PAUL J. FISHMAN

United States Attorney

By: Barbara A. Ward

Assistant United States Attorney

970 Broad Street, Suite 700

Newark, New Jersey 07102

Telephone: (973) 645-2700

barbara.ward@usdoj.gov

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Freda L. Wolfson, U.S.D.J

v. : Crim. No. 15-196 (FLW)

BOBBY BOYE, : **NOTICE OF FORFEITURE**

a/k/a "Bobby Ajiboye,"

a/k/a "Bobby Aji-Boye," : Electronically Filed

Defendant.

NOTICE IS HEREBY GIVEN that on July 16, 2015, in the above-captioned case, the United States District Court for the District of New Jersey entered a Preliminary Order of Forfeiture (Final as to the Defendant)<sup>1</sup> forfeiting the following property to the United States of America<sup>2</sup>:

- i. The contents of JPMorgan Chase Bank account number ending in 0399, held in the name of Opus and Best, LLC (approximately \$103.84);
- ii. 25 Crescent Hollow Court, Ramsey, New Jersey;

---

<sup>1</sup> On October 15, 2015, the court entered a Corrected Preliminary Order of Forfeiture which added further detail to the description of one of the specific properties included in the Preliminary Order.

<sup>2</sup> The Preliminary Order also included the forfeiture of approximately \$8,408 in U.S. currency seized from the defendant. However, the approximately \$8,408 in U.S. currency was forfeited to the United States in an administrative proceeding.

- iii. 36 Rosewood Court, North Haledon, New Jersey; and
- iv. 140 Grove Street, Elizabeth, New Jersey.

YOU ARE HEREBY NOTIFIED that the United States intends to dispose of this property as provided by law.

Any person, other than the defendant, claiming a legal right, title, or interest in any of the property described above must petition the United States District Court for the District of New Jersey for a hearing to adjudicate the validity of the petitioner's alleged legal interest in this property.

If direct notice of the forfeiture is provided, the petition must be filed with the United States District Court for the District of New Jersey no later than 35 days from the date of mailing of direct notice. If no direct notice is provided, the petition must be filed with the United States District Court for the District of New Jersey within 60 days from the first day of publication of notice on the government internet site [www.forfeiture.gov](http://www.forfeiture.gov), pursuant to 21 U.S.C. § 853(n)(2),<sup>3</sup> Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4) and G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. If a hearing is requested, it shall be held before the Court alone, without a jury.

Pursuant to 21 U.S.C. § 853(n)(3), the petition must be signed by the petitioner under penalty of perjury; shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property; the time and circumstances of the petitioner's acquisition of the right, title or interest in the property; any additional facts supporting the petitioner's claim; and the relief sought.

---

<sup>3</sup> The procedures governing criminal forfeitures set forth in 21 U.S.C. § 853 (except for 21 U.S.C. § 853(d)) are incorporated by reference in this case, pursuant to 28 U.S.C. § 2461(c), 18 U.S.C. § 982(b)(1), and/or 18 U.S.C. § 2253(b).

Pursuant to 21 U.S.C. § 853(n)(2), neither the defendant in the above-styled case nor his or her agent is entitled to file a petition.

The petition shall be filed with the Clerk of the Court, United States District Court, District of New Jersey, Martin Luther King Federal Building and U.S. Courthouse, 50 Walnut Street, Room 4105, Newark, New Jersey 07102, with a copy sent to the Assistant United States Attorney indicated on the top of page 1 of this Notice, United States Attorney's Office, District of New Jersey, 970 Broad Street, 7th Floor, Newark, New Jersey 07102.

Pursuant to 21 U.S.C. § 853(n)(4), any hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within 30 days of filing of the petition. The court may consolidate the hearing on the petition with any other hearings requested on any other petitions filed by any other person other than the defendant named above.

Pursuant to 21 U.S.C. § 853(n)(5), at the hearing, you have the right to testify and present evidence and witnesses on your own behalf and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the Court shall consider the relevant portions of the record of the criminal case which resulted in the entry of the Preliminary Order of Forfeiture.

Pursuant to 21 U.S.C. § 853(n)(6), if, after the hearing, the Court determines that the petitioner has established by a preponderance of the evidence that: (a) the petitioner has a legal right, title or interest in the property, and such right, title or interest renders the Preliminary Order of Forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right,

title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property; or (b) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture; the Court shall amend the Preliminary Order of Forfeiture in accordance with its determination.

**IF YOU FAIL TO FILE A PETITION** to assert any right, title or interest you may have in the above-described property within the time period set forth on page 2 of this Notice, any right, title or interest you may have had in the property described in this Notice shall be lost and forfeited to the United States. Following the disposition of any other petitions that may be filed, the United States then shall have clear title to the property herein described and may warrant good title to any subsequent purchaser or transferee.

DATED this 27th day of October, 2015.

PAUL J. FISHMAN  
United States Attorney

s/ Barbara A. Ward  
By: Barbara A. Ward  
Assistant United States Attorney



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

---

**UNITED STATES OF AMERICA**

**CRIMINAL ACTION**

**v.**

**Case Number 3:15-CR-196-01(FLW)**

**BOBBY BOYE a/k/a  
“Bobby Ajiboye” a/k/a  
“Bobby Aji-Boye”**

**Defendant.**

---

**NOTICE OF APPEAL**

Notice is hereby given that defendant Bobby Boye hereby appeals to the United States Court of Appeals for the Third Circuit from the Final Judgment in a Criminal Case imposing sentence upon defendant, entered in this action on October 15, 2015.

Respectfully submitted,

*Michael Confusione*

Michael Confusione (MC-6855)  
Hegge & Confusione, LLC  
P.O. Box 366  
Mullica Hill, NJ 08062-0366  
(800) 790-1550; (888) 963-8864 (fax)  
mc@heggelaw.com

Counsel for Defendant/Appellant,  
Bobby Boye

Dated: November 16, 2015

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

---

**UNITED STATES OF AMERICA**

**CRIMINAL ACTION**

**v.**

**Case Number 3:15-CR-196-01(FLW)**

**BOBBY BOYE a/k/a  
“Bobby Ajiboye” a/k/a  
“Bobby Aji-Boye”**

**Defendant.**

---

**MOTION TO EXTEND TIME FOR FILING NOTICE OF APPEAL**

COMES NOW the Defendant Bobby Boye motioning this Court for an order extending the time to file his notice of appeal under Fed. R.

App. P. 4(b)(4) and in support therefore states:

1. Pursuant to Federal Rule of Appellate Procedure 4(b)(4), a district court may upon finding either excusable neglect or good cause extend for up to 30 days the time for filing a notice of appeal.

2. Defendant respectfully requests an extension of 30 days in which to file his notice of appeal, which has been filed with this Court this same day and accompanies this motion.

3. The Judgment in a Criminal Case was entered in this case on October 15, 2015, and Defendant’s Notice of Appeal was filed today, November 16, 2015.

4. Defendant affirms in his accompanying Certification that immediately after the sentencing was imposed, he instructed the Public Defender representing him (K. Anthony Thomas, Esquire of the Office of the Federal Public Defender) about his desire to appeal the sentencing. The Federal Defender advised defendant that since he entered into a plea bargain, the possibility of a successful appeal was limited but that he would research the matter and get back to defendant. He never did.

5. Defendant affirms that he has significant financial problems because all of his assets are either seized as a result of this matter or caught up in divorce proceedings ongoing at the same time. Defendant has been under house arrest and has not worked or earned any meaningful income to support himself since June 2014. After his Federal Defender did not respond to him, defendant had to contact several family members to raise money to pay a private attorney to pursue the appeal for him. As soon as he obtained assistance from his family, he contacted me and retained me on November 13, 2015. I have prepared the accompanying Notice of Appeal and motion for extension of time and filed it on defendant's behalf as soon as I could do so. As defendant affirms, his inability to raise money to hire a private attorney and the neglect of his Federal Defender to act promptly substantially contributed to the delay in filing the notice of appeal within time.

6. There are genuine and substantive matters of law impacting defendant's sentencing on which he is seeking review by the Court of Appeals, including but not limited to the sufficiency of the factual and evidentiary basis upon which calculation of the sentencing guidelines was based in defendant's case.

7. WHEREFORE, Defendant Bobby Boye respectfully requests that this Court grant his motion for extension of time in which to file the accompanying Notice of Appeal per the excusable neglect or good cause extension permitted under Fed. R. App. Pr. 4(b)(4). See Ramseur v. Beyer, 921 F.2d 504, 506 (3d Cir. 1990) ("the rules governing timeliness of appeals exist to promote fairness, and to promote prompt notice of appeal thereby avoiding the prejudicial effect of reopening litigation which the opposing party had assumed was closed. The length of the delay and the basis of the delay affect the overall fairness concern. Where ... the delay was minimal, and where the court has determined that the delay was not the result of any bad faith but rather occurred despite counsel's substantially diligent efforts at compliance, the judicial interest in deciding cases on the merits outweighs the interest in finality") citing Consolidated Freightways Corp. of Del. v. Larson, 827 F.2d 916 (3d Cir.1987), cert. denied, 484 U.S. 1032, 108 S.Ct. 762, 98 L.Ed.2d 775 (1988) (stressing that analogous Rule 4(a)(5) should be interpreted to warrant "a finding of excusable neglect in those instances where the court, after weighing the relevant considerations is satisfied that counsel has exhibited

substantial diligence, professional competence and has acted in good faith to conform his or her conduct in accordance with the rule”); Stutson v. United States, 516 U.S. 193, 196 (1996)(“it is not insignificant that this is a criminal case. When a litigant is subject to the continuing coercive power of the Government in the form of imprisonment, our legal traditions reflect a certain solicitude for his rights, to which the important public interests in judicial efficiency and finality must occasionally be accommodated”); Pioneer Inv. Servs. Co. v. Brunswick Associates Ltd. P'ship, 507 U.S. 380, 398-99 (1993).

Respectfully submitted,

*Michael Confusione*

Michael Confusione (MC-6855)  
Hegge & Confusione, LLC  
P.O. Box 366  
Mullica Hill, NJ 08062-0366  
(800) 790-1550; (888) 963-8864 (fax)  
mc@heggelaw.com

Counsel for Defendant/Appellant,  
Bobby Boye

Dated: November 16, 2015

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

---

**UNITED STATES OF AMERICA**

**CRIMINAL ACTION**

**v.**

**Case Number 3:15-CR-196-01(FLW)**

**BOBBY BOYE a/k/a  
“Bobby Ajiboye” a/k/a  
“Bobby Aji-Boye”**

**Defendant.**

---

**CERTIFICATION OF DEFENDANT BOBBY BOYE IN SUPPORT OF  
MOTION TO EXTEND TIME FOR FILING NOTICE OF APPEAL**

**BOBBY BOYE**, of full age, hereby certifies as follows:

1) I am the defendant in this action. I make this Certification in support of my motion for extension of time to file my accompanying Notice of Appeal.

2) Immediately after the sentencing was imposed, I instructed the Public Defender representing me (K. Anthony Thomas, Esquire of the Office of the Federal Public Defender) about my desire to appeal the sentencing. He advised me that since I entered into a plea bargain, the possibility of a successful appeal was limited but that he would research the matter and get back to me. He never did.

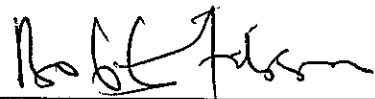
3) I have significant financial problems because all my assets are either seized as a result of this matter or caught up in my divorce proceedings that have been ongoing at the same time; I am under house arrest and have not worked or

earned any meaningful income to support myself since June 2014. As a result, I had to contact several family members to raise money to pay a private attorney to pursue the appeal for me. As soon as I got assistance from my family, I promptly contacted a private attorney to represent me (Michael Confusione of Hegge & Confusione, LLC); he has agreed and I retained him to do so on November 13, 2015. He has promptly prepared the accompanying Notice of Appeal and motion for extension of time and filed it on my behalf. My inability to raise money to hire a private attorney and the neglect of my Federal Defender to act promptly substantially contributed to the delay in filing the notice of appeal within time.

4) There are genuine and substantive matters of law impacting my sentencing on which I am seeking review by the Court of Appeals, including but not limited to the sufficiency of the factual and evidentiary basis upon which calculation of the sentencing guidelines was based in my case.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATE: November 16, 2015

  
\_\_\_\_\_  
**BOBBY BOYE**



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	CRIMINAL NO. 15-196
V.	:	RECOGNIZANCE NO. NEW4784
BOBBY BOYE	:	ORDER FOR RETURN OF DEPOSIT OF BAIL
	:	

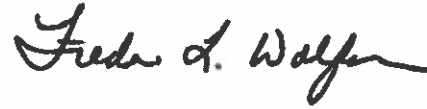
It appearing that the above-captioned defendant was held in bail by the United States District Court for the District of New Jersey for his appearance before this Court and that the sum of Five Hundred Thousand Dollars (\$500,000.00) was deposited into the Registry of this Court as security for the said recognizance, and

It further appearing that an Order signed and filed on November 6, 2015 by Honorable Bonnie J. Mizdol, a trial judge at the Superior Court of New Jersey, Chancery Division, Bergen County, Family Part, in the matter of Kalikawe v. Boye, FM 02-786-14, requesting that this Court return the \$500,000.00 in security posted in the above-captioned matter as a condition of Defendant's release from custody, to be paid to the Tax Liability Trust [Attorney Trust Account] of Armando Horta, Esq., and said amount be held in a constructive trust for the satisfaction of marital federal tax obligations and for the support and maintenance of Defendant's two minor children; the purposes of said recognizance have been fulfilled and the said recognizance has been duly canceled of record.

IT IS ON THIS 17<sup>th</sup> day of December, 20 15.

ORDERED THAT the sum of Five Hundred Thousand Dollars (\$500,000.00) be paid to

the Attorney Trust Account of Armando Horta, Esq., 15 Engle Street, Suite 102, Englewood,  
New Jersey 07631.

A handwritten signature in black ink, reading "Freda L. Wolfson". The signature is written in a cursive, flowing style.

---

HON. FREDA L. WOLFSON, U.S.D.J.  
UNITED STATES DISTRICT COURT

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

---

**UNITED STATES OF AMERICA**

**CRIMINAL ACTION**

**v.**

**Case Number 3:15-CR-196-01(FLW)**

**BOBBY BOYE a/k/a  
"Bobby Ajiboye" a/k/a  
"Bobby Aji-Boye"**

**Defendant.**

---

**ORDER**

The motion of defendant Bobby Boye for an order extending the time to file his notice of appeal under Fed. R. App. P. 4(b)(4) be and hereby is **GRANTED**.

  
\_\_\_\_\_  
Freda L. Wolfson, U.S.D.J.

Dated: 1/12/16

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Freda L. Wolfson, U.S.D.J.  
v. : Crim. No. 15-196 (FLW)  
BOBBY BOYE, : AFFIRMATION OF PUBLICATION  
a/k/a "Bobby Ajiboye," :  
a/k/a "Bobby Aji-Boye," :  
Defendant. :

I, BARBARA A. WARD, pursuant to Title 28, United States Code, Section 1746, hereby affirm under the penalty of perjury:

That I am an Assistant United States Attorney in the Office of the United States Attorney for the District of New Jersey, and

That attached to this affirmation are the following:

(1) A true and correct copy of the Notice of Forfeiture published in connection with the above-captioned case (Attachment 1), and

(2) An Advertisement Certification Report generated by the Consolidated Asset Tracking System maintained by the Department of Justice, which indicates that the aforementioned Notice was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least thirty (30) consecutive days, beginning on August 8, 2015 and ending on September 6, 2015, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (Attachment 2).

Dated: Newark, New Jersey  
February 2, 2016

s/Barbara A. Ward  
BARBARA A. WARD  
Assistant United States Attorney

# ATTACHMENT 1

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY, CRIMINAL DIVISION  
COURT CASE NUMBER: 15-196 (FLW); NOTICE OF FORFEITURE**

Notice is hereby given that on July 16, 2015, in the case of U.S. v. Bobby Boye, a/k/a "Bobby AjiBoye," a/k/a/ "Bobby Aji-Boye", Court Case Number 15-196 (FLW), the United States District Court for the District of New Jersey entered an Order condemning and forfeiting the following property to the United States of America:

The contents of JP Morgan Chase Bank account number ending in 0399, held in the name of Opus & Best, LLC (14-FBI-005369) (approximately \$103.84);

Real Property located at 140 Grove Street, Elizabeth, New Jersey (14-FBI-005373);

Real Property located at 25 Crescent Hollow Court, Ramsey, New Jersey (14-FBI-005374); and

Real Property located at 36 Rosewood Court, North Haledon, New Jersey (14-FBI-005375).

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file a Petition within 60 days of the first date of publication (August 08, 2015) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The petition must be filed with the Clerk of the Court, Mitchell H. Cohen Federal Courthouse, One John F. Gerry Plaza, 400 Cooper Street, P.O. Box 2797, Camden, NJ 08101-2797, and a copy served upon Assistant United States Attorney Barbara Ward, Mitchell H. Cohen Federal Courthouse, One John F. Gerry Plaza, 400 Cooper Street, Camden, NJ 08101. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

## ATTACHMENT 2





### Advertisement Certification Report

The Notice of Publication was available on the [www.forfeiture.gov](http://www.forfeiture.gov) web site for at least 18 hours per day between August 8, 2015 and September 06, 2015. Below is a summary report that identifies the uptime for each day within the publication period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. Bobby Boye, a/k/a "Bobby Ajiboye," a/k/a/ "Bobby Aji-Boye"

Court Case No: 15-196 (FLW)  
For Asset ID(s): See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	08/08/2015	24.0	Verified
2	08/09/2015	24.0	Verified
3	08/10/2015	24.0	Verified
4	08/11/2015	24.0	Verified
5	08/12/2015	24.0	Verified
6	08/13/2015	24.0	Verified
7	08/14/2015	24.0	Verified
8	08/15/2015	24.0	Verified
9	08/16/2015	24.0	Verified
10	08/17/2015	24.0	Verified
11	08/18/2015	24.0	Verified
12	08/19/2015	24.0	Verified
13	08/20/2015	24.0	Verified
14	08/21/2015	24.0	Verified
15	08/22/2015	24.0	Verified
16	08/23/2015	24.0	Verified
17	08/24/2015	24.0	Verified
18	08/25/2015	24.0	Verified
19	08/26/2015	24.0	Verified
20	08/27/2015	24.0	Verified
21	08/28/2015	23.9	Verified
22	08/29/2015	24.0	Verified
23	08/30/2015	23.6	Verified
24	08/31/2015	24.0	Verified
25	09/01/2015	24.0	Verified
26	09/02/2015	24.0	Verified
27	09/03/2015	24.0	Verified
28	09/04/2015	24.0	Verified
29	09/05/2015	24.0	Verified
30	09/06/2015	24.0	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

January 26, 2016  
CCO-042

No. 15-3779

UNITED STATES OF AMERICA

v.

BOBBY BOYLE  
a/k/a Bobby Ajiboye  
a/k/a Bobby Aji-Boye

Bobby Boye,  
Appellant

(D.N.J. No. 3-15-cr-00196-001)

Present: FISHER, JORDAN and VANASKIE, Circuit Judges

1. Motion by Appellee to Enforce Appellate Waiver and for Summary Affirmance;
2. Response by Appellant in Opposition to Motion to Enforce Appellate Waiver and for Summary Affirmance;
3. Reply by Appellee in Support of Motion to Enforce Appellate Waiver and for Summary Affirmance;
4. Sur-Reply by Appellant in Further Opposition to Motion to Enforce Appellate Waiver and for Summary Affirmance.

Respectfully,  
Clerk/tmm

ORDER

The foregoing motion to enforce appellate waiver and for summary affirmance is granted.

By the Court,

s/ Thomas I. Vanaskie  
Circuit Judge

Dated: January 28, 2016

tmm/cc: Michael J. Confusione, Esq.

Mark E. Coyne, Esq.

Glenn J. Moramarco, Esq.

 Certified as a true copy and issued in lieu  
of a formal mandate on February 19, 2016

Teste: *Marcia M. Waldron*

Clerk, U.S. Court of Appeals for the Third Circuit

OFFICE OF THE CLERK

MARCIA M. WALDRON

CLERK



UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE  
601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov)

TELEPHONE

215-597-2995

February 19, 2016

Mr. William T Walsh  
United States District Court for the District of New Jersey  
Clarkson S. Fisher Federal Building and United States Courthouse  
402 East State Street  
Trenton, NJ 08608

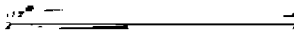
RE: USA v. Bobby Boye  
Case Number: 15-3779  
District Case Number: 3-15-cr-00196-001

Dear Mr. Walsh,

Enclosed herewith is the certified judgment together with copy of the opinion or certified copy of the order in the above-captioned case(s). The certified judgment or order is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

Counsel are advised of the issuance of the mandate by copy of this letter. The certified judgment or order is also enclosed showing costs taxed, if any.

Very truly yours,

  
\_\_\_\_\_  
Marcia M. Waldron,  
Clerk

By: Timothy/cjg  
Case Manager  
267-299-4953

cc: Michael J. Confusione  
Mark E. Coyne  
Glenn J. Moramarco

2013R01059/SUE/BAW/gr

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Freda L. Wolfson, U.S.D.J.
	:	
v.	:	Crim. No. 15-196 (FLW)
	:	
BOBBY BOYE,	:	STIPULATION AND ORDER
a/k/a "Bobby Ajiboye,"	:	OF SETTLEMENT PURSUANT TO
a/k/a "Bobby Aji-Boye,"	:	<u>21 U.S.C. §§ 853(i)(2) AND (n)</u>
	:	CRESCENT HOLLOW
Defendant.	:	CONDOMINIUM
	:	ASSOCIATION, INC.
-----	:	(25 CRESCENT HOLLOW COURT,
	:	RAMSEY, NEW JERSEY)
CRESCENT HOLLOW	:	
CONDOMINIUM ASSOCIATION,	:	
INC.	:	
	:	
Interested Party.	:	

IT IS HEREBY STIPULATED and AGREED by and between the United States Attorney's Office for the District of New Jersey (Paul J. Fishman, United States Attorney) (the "United States"), and Crescent Hollow Condominium Association, Inc., Interested Party and Petitioner herein (the "Association"), to compromise and settle its interest in the following property: 25 Crescent Hollow Court, Ramsey, New Jersey (the "Property").

1. The Association has a prior vested or superior legal right, title or interest in the Property, which was vested in the Association rather than the Defendant or was superior to any right, title or interest of the Defendant at the time of the commission of the acts which gave rise to the forfeiture of the Property.

2. On the terms set forth herein, the Association hereby withdraws its petition filed December 7, 2015, asserting an interest in the Property

[Docket No. 37] (the "Petition"). Upon the Court's endorsement of this Stipulation and Order, said Petition is hereby deemed dismissed with prejudice, without costs and/or attorney's fees to either party (except as otherwise provided in paragraph 3 below).

3. The United States agrees that upon the sale of the Property pursuant to the final order of forfeiture, the United States will not contest payment to the Association from the proceeds of sale, after payment of any outstanding taxes, valid liens, real estate commissions, insurance costs, escrow fees, document recording fees not paid by the buyer, title fees, county transfer fees, and expenses incurred by the United States Marshals Service ("USMS") in connection with its custody and sale of the Property, as set forth below:

- (a) The principal amount of all unpaid common area charges for the Property from the date of nonpayment to the date of closing pursuant to the Master Deed and Bylaws of the Association (the "Governing Documents"), including but not limited to the Association's recorded Claim of Lien on the Property for unpaid common charges pursuant to N.J.S.A. 46:8B-21, dated August 27, 2014, in the amount of \$7,391.69 and amended on June 10, 2015 to \$11,648.95. As of May 27, 2016, the Association is due a total of \$18,125.35, and the Association reserves its rights to amend the Claim of Lien accordingly. For the avoidance of doubt, the Association expressly waives any claim for payment of late fees or interest from the date of nonpayment to the date of closing;
- (b) Reasonable costs incurred by the Association, after the application of insurance proceeds, in connection with damage to the Property sustained on or about February 27, 2015, including but not limited to the remediation of water damage to prevent the growth of mold in the unit;
- (c) With the prior approval of the United States (except in the case of emergency), reasonable costs incurred by the Association, after the application of insurance proceeds (if

any), in connection with other repairs necessary to market and sell the unit;

- (d) Reimbursement for attorneys' fees and costs paid to Donald M. Onorato, Esq., in the amount of \$1,858.50; and
- (e) Reimbursement for attorneys' fees and costs paid to Riker Danzig in the amount of \$20,000.

4. The payment to the Association shall be in full settlement and satisfaction of all claims by the Association arising from and relating to the seizure, detention, and forfeiture of the Property.

5. Upon payment, the Association agrees to release and hold harmless the United States, and any agents, servants, and employees of the United States (and any involved state or local law enforcement agencies and their agents, servants, or employees), in their individual or official capacities, from any and all claims by the Association and its agents that currently exist or that may arise as a result of the Government's actions against and relating to the property.

6. Except as set forth in Paragraph 3, the Association agrees not to pursue any other rights it may have under the Governing Documents, including but not limited to the right to foreclose upon and sell the Property and any right to assess additional interest or penalties.

7. The Association agrees to notify the U.S. Attorney promptly if it learns of any condition that might affect the sale of the Property, and to join in any motion by the United States to effect the sale of the Property.

8. Subject to paragraph 3 above, the Association understands and agrees that this Stipulation and Order constitutes a full and final settlement of the Petition and that it waives any rights to litigate further its interest in the Property and further pursue remission or mitigation of the forfeiture.

9. The Association understands and agrees that the United States reserves the right to void this Stipulation and Order if, before payment of the sums set forth in paragraph 3 above, the United States obtains new information indicating that the Association did not have a prior vested or superior interest in the Property at the time of the commission of the acts which gave rise to the forfeiture of the Property pursuant to 21 U.S.C. § 853(n)(6)(A). The United States also reserves the right, in its discretion, to terminate the forfeiture at any time and release the Property. In either event, the Government shall promptly notify the Association of such action. A discretionary termination of forfeiture shall not be a basis for any award of fees but shall result in a reinstatement of all claims of the Association for payment in relation to the Property that are otherwise waived by the terms of this Stipulation and Order.

10. The parties agree to execute further documents, to the extent necessary, to convey clear title to the Property to the United States and to implement further the terms of this Stipulation and Order.

11. Each party agrees to bear its own costs and attorneys' fees, except as otherwise provided for in paragraph 3 above.

12. Payment to the Association pursuant to this Stipulation and Order is contingent upon a Court-authorized sale of the Property pursuant to the final order of forfeiture. The terms of this settlement agreement shall be subject to approval by the United States District Court and any violation of any terms or conditions shall be construed as a violation of an order of the Court

13. This Stipulation and Order may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed the complete Stipulation and Order.


14. The individual(s) signing this Stipulation and Order on behalf of the Association represent and warrant that they are authorized by the Association to execute this Stipulation and Order. The undersigned United States signatory represents that he/she is signing this Stipulation and Order in her official capacity and that he/she is authorized to execute this Stipulation and Order.

15. The Court shall have exclusive jurisdiction over the interpretation and enforcement of this Stipulation and Order.

16. This Stipulation and Order constitutes the complete agreement between the parties hereto and may not be amended except by written consent thereof.

PAUL J. FISHMAN  
United States Attorney

Dated: 6/14/16

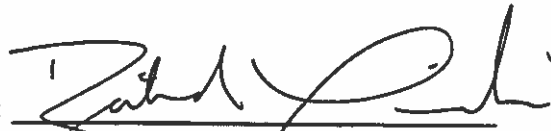
By:   
BARBARA A. WARD  
Assistant United States Attorney



For CRESCENT HOLLOW  
CONDOMINIUM ASSOCIATION, INC.


RIKER, DANZIG, SCHERER,  
HYLAND & PERRETTI, LLP  
Attorneys for Petitioner,  
Crescent Hollow  
Condominium Association, Inc.

Dated: 6/14/16

By:   
ZAHID N. QURAISHI, ESQ.

CRESCENT HOLLOW  
CONDOMINIUM ASSOCIATION, INC.


Dated: 6/14/16

By:   
Harvey W. Young  
Young & Associates

**ORDER**

Having reviewed the foregoing Stipulation and good cause appearing,  
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
Stipulation is So Ordered.

ORDERED this 16<sup>th</sup> day of June, 2016.

  
\_\_\_\_\_  
HONORABLE FREDAL. WOLFSON  
United States District Judge

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BOBBY BOYE,

Petitioner,

V.

UNITED STATES OF AMERICA

Respondent.

[illegible]

Civ. No. 16-6024 (FLW)

## OPINION

**FREDA L. WOLFSON, U.S.D.J**

## I. INTRODUCTION

Petitioner, Bobby Boye (“Boye”), is a federal prisoner proceeding, through his counsel, with a motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. For the following reasons, Boye’s § 2255 motion is denied.

## II. BACKGROUND AND PLEADINGS

### A. The Underlying Criminal Proceeding

Boye was arrested on June 19, 2014, pursuant to a Criminal Complaint that charged him with one count of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1343, and one count of wire fraud, in violation of 18 U.S.C. § 1849. *See United States v. Boye*, Crim. No. 15-196, ECF No. 1. The Complaint alleged that beginning in July 2010, Boye was employed as an international petroleum legal advisor for the Ministry of Finance of “Country A.” *Id.*, Attach. B., ¶ 1a. It alleged that in February 2012, Country A solicited bids for a multi-million-dollar contract (the “contract”) to provide legal and tax accounting advice and assist with the drafting of tax regulations. *Id.* ¶ 1b. In his role as a legal advisor to Country A, Boye served as a member of the three-person committee responsible for reviewing and evaluating the bids for the

contract. *Id.* In March 2012, Opus & Best Services LLC (“Opus & Best”), of which Boye was the sole member, submitted a bid via email for the contract. *Id.* ¶ 1c. The Complaint alleged that in the bid submitted by Opus & Best, Boye made a number of false representations, including: “falsely claiming that Opus & Best was a legitimate law and accounting firm; and fraudulently failing to disclose his affiliation with Opus & Best, in contravention of the no-conflict of interest bidding requirements.” *Id.* ¶ 2. Based largely on Boye’s recommendation, Opus & Best was awarded the contract by Country A in June 2012. *Id.* According to the Complaint, Country A wired a total of \$3,150,000 in contract payments to Opus & Best “which Boye diverted to his own personal use to purchase numerous assets.” *Id.* ¶ 3.

On April 28, 2015, petitioner waived indictment and agreed to plead guilty to a one-count Information for conspiracy to commit wire fraud in violation of 18 U.S.C. § 1843 and 18 U.S.C. § 1849. *See* Crim. No. 15-196, ECF Nos. 19-23. The plea agreement included a stipulation that Boye’s offense level under the United States Sentencing Guidelines would be 24. Crim. No. 15-196, ECF No. 23, at 10. As part of that calculation, the parties stipulated that “Specific Offense Characteristic § 2B1.1(b)(1)(J) applies because the aggregate loss amount is greater than \$2,500,000 but not more than \$7,000,000. This Specific Offense Characteristic results in an increase of 18 levels.” *Id.* The parties further agreed that neither Boye nor the Government would “argue for the imposition of a sentence outside the Guidelines range that results from the agreed total Guidelines offense level” nor would either party “seek or argue for any upward or downward departure, adjustment, or variance not set forth [in the Agreement].” *Id.* at 10, 11. The plea agreement additionally provided that Boye “agrees to make full restitution for all losses

. . . to Country A in the amount of \$3,510,00.” *Id.* at 3.<sup>1</sup>

Boye was sentenced by this Court on October 15, 2015 to a prison term of 72 months. Crim. No. 15-196, ECF No. 27. Boye was additionally ordered by the Court to pay restitution in the amount of \$3,510,000, on which interest was waived. *Id.*

At the sentencing hearing, this Court first addressed the amount of restitution to be paid to Country A, acknowledging that the parties stipulated in the plea agreement to a restitution amount of \$3,150,000 and noting that:

In any event, there would still be the issue of offsetting [Country A] as to any kind of legitimate services that were actually provided by Mr. Boye. Nothing has really been presented to me at this point and it would be very difficult to determine whether there would be offsets to it based upon the services that he gave or not.

Therefore, under the statute this would obviously complicate and prolong the sentencing process and would require additional hearings, and, therefore, balancing of the factors, that will not be awarded either.

Crim. No. 15-196, ECF No. 42, 8:1–12.

The parties then argued their sentencing positions. Boye’s counsel argued for a sentence at the bottom of the Guidelines range—63 months. *Id.* at 16:17–19. In so arguing, counsel acknowledged Boye’s criminal history and Boye’s admission “that the company he created in order to submit this international tax consultant bid was fraudulent.” *Id.* at 16:21 to 17:15. Nevertheless, Boye’s counsel argued that a sentence at the bottom of the Guidelines range was appropriate because, ultimately, Country A benefited from the work product produced by Boye and Country A continues to use that work product. *Id.* at 17:16–25. Counsel argued that the fact that Boye completed the services contemplated by the contract distinguished this case from other

---

<sup>1</sup> Based on this stipulation, the Presentence Report also recommend a restitution amount of \$3,150,000.

cases of fraud and that not crediting Boye for the services he provided would act as “somewhat of an unjust enrichment.” *Id.* at 18:7 to 19:20.

The government argued for a sentence at the top of the Guidelines range. With respect to Boye’s request that his sentence reflect a credit for the services he provided to Country A, the government contended that the provision of services did not mitigate Boye’s crimes because had he not performed those services “he wouldn’t have gotten the continuous payments under the contract.” *Id.* at 27:2 to 27:12. The government also cited to the commentary on § 2B1.1 of the Sentencing Guidelines, which do not permit a defendant who made “false representations as to the licensing of particular professionals” to receive any credit for those services on the amount of loss. *Id.* at 27:13 to 27:21. The government contended that this rule applied here because

there is a special kind of abuse of trust and a special kind of manipulation that occurs when an individual is posing as a trusted licensed accredited individual. Here he was posing as various licensed accountants who claimed were CPAs, other attorneys, and he needed to create an aura of expertise in order to get the contract, and then once he had the contract to ensure the continued payments in installments under the terms of the contract.

*Id.* at 27:23 to 28:6.

The Court rejected Boye’s argument for a credit for legal services provided to Country A and in applying the § 3553(a) factors, rejected Boye’s position:

And the victim here, the country, the fact that they received services that you described as services that are still being used and good services *doesn’t mitigate the crime*. One, it was of course important that you perform the services because otherwise Opus & Best would have been terminated if they weren’t providing services, but moreover its not novel to me.

*Id.* at 37:12–19 (emphasis added). Based on this reasoning and application of the other § 3553(a) factors, the Court determined that a sentence at the top of the Guidelines range was appropriate.

On October 15, 2015, petitioner filed a Notice of Appeal. Crim. No. 15-196, ECF No. 32.

The government moved to enforce the appellate waiver set forth in the plea agreement and summary affirmance was granted by the Third Circuit on January 28, 2016. (ECF No. 1-1, at A124.)

**B. The § 2255 Motion**

On September 28, 2016, Boye, acting through counsel, filed the present motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. (ECF No. 1.) In his motion, Boye asserts three grounds for relief, each framed as a claim of ineffective assistance of counsel. (*See* ECF Nos. 1 & 1-1.) Petitioner first contends that his counsel was deficient because he did not argue for the application of Sentencing Guideline § 2B1.1, Application Note 3(E)(i), which provides that “Loss shall be reduced by . . . the services rendered, by the defendant or other persons acting jointly with the defendant, to the victim before the offense was detected” or advise the Court that Boye did not “pose” as a licensed professional and, thus, was entitled to a credit for legal services he provided to Country A on the amount of loss. (ECF No. 1-1, at 15–17.) As part of this claim, Boye asserts that his counsel should have presented to the Court evidence of the work product created by petitioner for Country A and advised the Court that Boye had retained Peter Chen, a licensed CPA to perform part of the contracted for work. (*Id.* at 17–18.)

Boye also argues that his counsel was ineffective by advising him to assent to the plea agreement which stipulated to an incorrect loss figure. Finally, Boye asserts that his counsel was deficient for not arguing for a lower restitution amount, again based on the fact that Country A received satisfactory legal services. In further support of his motion, Boye submitted to the Court two certifications which detail his interactions with counsel and the documentation Boye provided to counsel of the legal services that were rendered to Country A. (ECF Nos. 2, 7.)

The government filed an Answer opposing Boye's § 2255 motion, in which it argues that counsel's performance was not deficient and that Boye failed to meet his burden of showing that he was prejudiced by any alleged deficiency of counsel. (ECF No. 10.)

### III. STANDARD OF REVIEW

To grant relief on a federal prisoner's motion to vacate, set aside, or correct a sentence under 28 U.S.C. § 2255, the Court must find that "there has been such a denial or infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack." 28 U.S.C. § 2255(b). "In considering a motion to vacate a defendant's sentence, 'the court must accept the truth of the movant's factual allegations unless they are clearly frivolous based on the existing record.'" *United States v. Booth*, 432 F.3d 542, 545 (3d Cir. 2005) (quoting *Gov't of V.I. v. Forte*, 865 F.2d 59, 62 (3d Cir. 1989)). A district court "is required to hold an evidentiary hearing 'unless the motion and files and records of the case show conclusively that the movant is not entitled to relief.'" *Id.* at 545–46 (quoting *Forte*, 865 F.2d at 62).

Boye's arguments are framed as claims for ineffective assistance of trial counsel. (*See* ECF No. 1.) The Sixth Amendment guarantees defendants effective assistance of counsel during critical portions of a criminal proceeding. *See Lafler v. Cooper*, 566 U.S. 156, 165 (2012). The Supreme Court, in *Strickland v. Washington*, 466 U.S. 668 (1984), articulated a two-prong burden for demonstrating the ineffectiveness of counsel: (1) that, considering all relevant circumstances, counsel's performance fell below an objective standard of reasonableness and (2) that the petitioner suffered prejudice as a result. *Id.* at 687–96; *see also Preston v. Superintendent Graterford SCI*, 902 F.3d 365, 379, 382 (3d Cir. 2018); *Grant v. Lockett*, 709 F.3d 224, 232 (3d Cir. 2013).

In addressing the first prong, the petitioner "must identify the acts or omissions of



counsel that are alleged not to have been the result of reasonable professional judgment.”

*Strickland*, 466 U.S. at 690. Judicial scrutiny of counsel's conduct must be “highly deferential.”

*See id.* at 689. “[C]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.* at 690. The reviewing court must make every effort to “eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel’s challenged conduct, and to evaluate the conduct from counsel’s perspective at the time.” *Id.* at 689. Counsel’s strategic choices made after thorough investigation of the relevant law and facts are “virtually unchallengeable,” while choices made with less than entirely thorough investigation “are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation.” *Id.* at 690–91; *see also Rolan v. Vaughn*, 445 F.3d 671, 682 (3d Cir. 2006); *Gov’t of V.I. v. Weatherwax*, 77 F.3d 1425, 1432 (3d Cir. 1996). Whether counsel acted in a manner that was deficient is measured by a standard of “reasonableness under prevailing professional norms.” *Strickland*, 466 U.S. at 687–88; *see also Wiggins v. Smith*, 539 U.S. 510, 521 (2003).

The second prong of the *Strickland* test requires the petitioner to affirmatively prove resulting prejudice. *See* 466 U.S. at 693. Prejudice is generally found where “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” *Id.* at 694. A reasonable probability is “a probability sufficient to undermine confidence in the outcome.” *Id.*; *see also McBride v. Superintendent, SCI Houtzdale*, 687 F.3d 92, 102 n.11 (3d Cir. 2012). “This does not require that counsel's actions more likely than not altered the outcome, but the difference between *Strickland's* prejudice standard and a more-probable-than-not standard is slight and matters only in the rarest case. The likelihood of a different result must be substantial, not just conceivable.” *Harrington v. Richter*, 562 U.S. 86,

111–12 (2011) (internal quotation marks and citation omitted). In the context of sentencing, prejudice exists where the inadequate performance affected the criminal defendant’s sentence. *United States v. Hankerson*, 496 F.3d 303, 310 (3d Cir. 2007).

In the context of plea agreements, the prejudice requirement “focuses on whether counsel’s constitutionally ineffective performance affected the outcome of the plea process.” *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). “[T]he defendant must show that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” *Id.*; *see also Lee v. United States*, 137 S. Ct. 1958, 1965 (2017); *Lafler v. Cooper*, 566 U.S. 156, 162–63 (2012); *United States v. Jesus-Nunez*, 576 F. App’x 103, 105 (3d Cir. 2014). In considering whether the prejudice prong has been satisfied, the Court must consider the strength of the underlying evidence. *See Saranchak v. Beard*, 616 F.3d 292, 311 (3d Cir. 2010).

The *Strickland* Court made clear that a court may apply the two prongs in whatever order it sees fit. 466 U.S. at 697 (“[A] court need not determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies . . . . If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice . . . that course should be followed.”); *see also Rainey v. Varner*, 603 F.3d 189, 201 (3d Cir. 2010).

## IV. DISCUSSION

### A. Credit Against Loss

Boye first contends that his counsel was ineffective because he failed to argue to the Court at sentencing that Boye is entitled to a credit on the calculation of loss for the satisfactory legal services he performed for Country A. This failure, Boye contends, impacted his sentence

because “the sentence was based primarily on the ‘loss’ that the District Court found.” (ECF No. 1-1, at 26.)

Boye’s position is untenable. Boye contends that his counsel should have objected to the amount of loss that was calculated for the purpose of determining his offense level under the Sentencing Guidelines. However, Boye’s offense level was calculated and stipulated to by both Boye and the government in the plea agreement and, as part of that stipulated offense level, the parties agreed that “Specific Offense Characteristic § 2B1.1(b)(1)(J) applies because the aggregate loss amount is greater than \$2,500,000 but not more than \$7,000,000.” Crim. No. 15-196, ECF No. 23 at 10. The parties further agreed “that the Court should sentence [Boye] within the Guidelines range that results from the total Guidelines offense level set forth below” and “that neither party will argue for the imposition of a sentence outside the Guidelines range that results from the agreed total Guidelines offense level.” *Id.* His counsel acted in accordance with that agreement by arguing that the legal services Boye provided to Country A entitled him to a sentence at the low-end of the Guidelines range under 18 U.S.C. § 3553. Had counsel argued for a lower offense level under Boye’s theory, he would have breached the plea agreement, putting Boye at risk of a higher sentence. *See Bass v. United States*, No. 11-2205, 2011 WL 4962185, at \*3 (D.N.J. Oct. 17, 2011).

Putting aside the potential breach of the plea agreement, the Court does not find that Boye’s counsel was deficient by not arguing to the Court that the amount of loss should have included a credit for the legal services he provided to Country A. Sentencing Guideline § 2B1.1 governs, *inter alia*, crimes of fraud. *See* U.S. Sentencing Guidelines Manual, § 2B1.1 (U.S. Sentencing Comm’n 2003). Under that section, a defendant’s base offense level will increase depending on the amount of loss suffered by the victim of the fraud. *Id.* § 2B1.1(b)(1). “Loss”

under this section “is the greater of actual loss or intended loss.” *Id.*, Application Note 3(A). Generally, “[l]oss shall be reduced by . . . the services rendered, by the defendant or other persons acting jointly with the defendant, to the victim before the offense was detected.” *Id.*, Application Note 3(E)(i).

Nevertheless, the Application Notes set forth that in cases in which “services were fraudulently rendered to the victim by persons falsely posing as licensed professionals . . . loss shall be the amount paid for the . . . services . . . rendered . . . with no credit provided for the value of those [services].” *Id.*, Application Note 3(F)(v). In enacting this provision, the Commission noted that the rule was intended to reverse case law that permitted credit for services provided by persons posing as licensed professionals. U.S. Sentencing Guidelines Manual, appx. C, vol. II, at 179-80 (U.S. Sentencing Comm’n 2003). Moreover, “[t]he Commission determined that the seriousness of these offenses and the culpability of these offenders is best reflected by a loss determination that does not credit the value of the unlicensed benefits provided.” *Id.* at 179-80. The provision further “eliminate[d] the additional burden that would be imposed on courts if required to determine the value of these benefits.” *Id.* at 180.

Since the enactment of Application Note 3(F)(v) in 2003, few courts have considered its scope. Several courts have applied it in straightforward settings, *i.e.*, where a defendant poses as a licensed professional and he or she does not, in fact, maintain such a license. *See United States v. Bennett*, 453 F. App’x 395, 396–97 (4th Cir. 2011) (affirming district court decision not to credit amount of loss for work provided by defendant who posed as a licensed physician); *United States v. Kieffer*, 621 F.3d 825, 834 (8th Cir. 2010) (affirming district court decision not to credit amount of loss for legal services provided by defendant who posed as a licensed attorney); *United States v. Curran*, 525 F.3d 74, 82 (1st Cir. 2008) (affirming decision not to award any

credit to defendant naturopath who posed as a licensed physician for services rendered); *United States v. Aronowitz*, 151 F. App'x 193, 194–95 (3d Cir. 2005) (upholding district court's finding that victims suffered monetary loss where defendant dentist fraudulently charged for root canals performed by dental assistants). The Court is unaware of any case similar to that at bar where the defendant is a licensed attorney who poses as a firm of licensed attorneys and certified public accountants.

Counsel's decision not to object to the calculation of loss and Boye's offense level at sentencing was not unreasonable. The Application Note makes clear that where a defendant impersonates a licensed professional, he is not entitled to a credit for services provided when calculating the amount of loss at sentencing. U.S. Sentencing Guidelines, appx. C, vol. II, at 179-80. In the bid he fraudulently submitted to Country A as Opus & Best, Boye impersonated a firm of licensed attorneys and accountants. As such, under a plain reading of the Application Note, Boye would not have been entitled to a credit for the services rendered on the amount of Loss to Country A.

Nevertheless, Boye asserts that because he is a licensed attorney, he was not impersonating or "posing" as an attorney for the purposes of the Application Note. Boye contends he could not impersonate the attorneys and accountants purportedly employed by Opus & Best because they are not real people. Such a reading of the statute would render Application Note 3(F)(v) ineffective against defendants who, in addition to claiming they are a licensed professional, take on a new identity as well. Boye's crimes are exactly the type and purpose contemplated by the Commission to fall under Application Note 3(F)(v). Boye abused a position of trust when he defrauded Country A by submitting the fraudulent bids and thereafter, in his role as a legal advisor, recommending Country A hire Opus & Best. And, importantly,

calculating the value of the services rendered by Boye in perpetuating his fraud would require additional submissions and hearings to determine the value of the services provided by Boye—proceedings that would waste valuable judicial resources.

Furthermore, Boye has failed to show that he suffered any prejudice as a result of the alleged deficient performance of his counsel. Indeed, Boye never explicitly states how he was prejudiced by the alleged erroneous calculation of loss and argues only that but for counsel's errors, the result of his case would have been different. This is insufficient to show prejudice. Indeed, in the context of a claim for ineffective assistance of counsel at sentencing, a petitioner must show that he received a harsher sentence as a result of counsel's deficiencies. *See Glover v. United States*, 531 U.S. 198, 203–04 (2001) (noting that any increase in sentence that results from the deficient performance of counsel can constitute prejudice under *Strickland*); *see also Hankerson*, 496 F.3d at 310. Boye makes no argument that if a credit for services rendered was taken from the amount of loss, a lower offense level would have been calculated or that he would have been subjected to a lesser sentence. In other words, Boye does not set forth what the purported off-set amount would be such that his sentence would have been materially impacted.

Thus, as Boye has failed to meet his burden on either the deficiency or prejudice prong on his claim of ineffective assistance of counsel at sentencing, this claim is denied.

## **B. Plea Agreement**

Boye next argues that his counsel was further deficient “in counseling defendant to stipulate (in the plea agreement) to a ‘loss’ figure that contravenes . . . governing law.” (ECF No. 1-1, at 20.) As discussed in the preceding section, the amount of loss used to determine Boye's offense level was not in violation of the Sentencing Guidelines and, indeed, properly applied Application Note 3(F)(v) by not providing Boye a credit for legal services provided to

Country A while impersonating a licensed professional. Just as counsel was not deficient in not objecting to this calculation of loss at sentencing, he was not deficient in advising Boye to stipulate to the amount of loss in the plea agreement. Thus, this claim for ineffective assistance of counsel must also fail.

Equally fatal to Boye's claim of ineffective assistance related to the plea agreement is Boye's failure to allege any prejudice that resulted from this alleged deficiency of counsel. A defendant may be prejudiced by his counsel's erroneous advice to enter into a plea agreement where he demonstrates that there is a reasonable probability that he would have gone to trial had he been correctly advised. *Hill*, 474 U.S. at 59. Boye makes no such allegation and, indeed, does not deny his guilt for the crimes committed. At no point in his briefing does Boye assert that he would have proceeded to trial on these charges.

Because Boye cannot show that his counsel was deficient in advising him to assent to the plea agreement or that he prejudice by that advice, this claim for relief is denied.

### **C. Calculation of Restitution Award**

Finally, Boye argues that his counsel was deficient by not arguing that the restitution amount should have been limited to Country A's "actual loss." (ECF No. 1, at 21). Specifically, Boye contends that the restitution amount should have included credit for legal services provided to Country A.

Even if petitioner can demonstrate that this alleged error meets the *Strickland* standard, attacks on an award of restitution are not cognizable on a § 2255 motion to vacate or set aside a petitioner's sentence. The plain language of § 2255 "indicates that the statute only applies to '[a] prisoner in custody . . . claiming the right to be released.'" *United States v. Trimble*, 12 F. Supp. 3d 742, 745 (E.D. Pa. 2014) (alterations in original) (quoting 28 U.S.C. § 2255)). The Third

Circuit has held that an order to pay restitution “is not the sort of ‘significant restraint on liberty’ contemplated in the ‘custody’ requirement of the federal habeas corpus statutes.” *Id.* (quoting *Obado v. New Jersey*, 328 F.3d 716, 718 (3d Cir. 2003)); *see also United States v. Ross*, 801 F.3d 374, 380–81 (3d Cir. 2015).

This reading of § 2255 applies even where, as here, petitioner brings other claims challenging his custody. *Kaminsky v. United States*, 339 F.3d 84, 87–89 (2d Cir. 2003). As the Second Circuit set forth:

There is . . . no reason why the presence of a plausible claim against a custodial punishment should make a noncustodial punishment more amenable to collateral review than it otherwise might be. . . . [T]he mere fact that the sentencing court chose to impose incarceration on a defendant in addition to restitution does not, as to the restitution order, distinguish that defendant from someone who, having been convicted, received a punishment that did not include any custodial element.

*Id.* at 89. The same reasoning applies where a challenge to a restitution order is brought as an ineffective assistance of counsel claim. *Trimble*, 12 F. Supp. 3d at 746 (“[A] challenge to a restitution order brought under the guise of an ineffective assistance of counsel claim is also not cognizable in a habeas petition because it does not seek relief from custody.”); *see also Awe v. United States*, No. 15-8155, 2017 WL 1157865, at \*4 (D.N.J. Mar. 27, 2017) (collecting cases).

Accordingly, Boye’s claim for ineffective assistance of counsel related to the calculation of restitution is dismissed as it is not cognizable as a claim under § 2255.

## V. CERTIFICATE OF APPEALABILITY

Under 28 U.S.C. § 2253(c), a litigant may not appeal a final order in a § 2255 proceeding unless the judge or a circuit justice issues a certificate of appealability (“COA”). That section further directs courts to issue a COA “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see also* 28 U.S.C. § 2255(d). “A



petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). In this case, the Court denies a certificate of appealability because jurists of reason would not find it debatable that Boye has failed to make a substantial showing of the denial of a constitutional right.

## **VI. CONCLUSION**

For the foregoing reasons, Boye's § 2255 motion will be denied on the merits. Although courts considering § 2255 motions are generally directed to hold evidentiary hearings, it is apparent from the arguments before the Court and the record of the underlying criminal proceeding that, regardless of the evidence adduced at such a proceeding, Boye would not be entitled to any relief based on his motion. *See Booth*, 432 F.3d at 545. An appropriate order will be entered.

DATED: November 20, 2018

Freda L. Wolfson  
FREDA L. WOLFSON  
United States District Judge

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BOBBY BOYE,	:	
	:	
Petitioner,	:	Civ. No. 16-6024 (FLW)
	:	
v.	:	
	:	<b>ORDER</b>
UNITED STATES OF AMERICA	:	
	:	
Respondent.	:	

This matter having been brought before the Court by way of motion filed by petitioner Bobby Boye (“Petitioner”), represented by counsel, under 28 U.S.C. § 2255, to vacate, set aside, or correct a sentence imposed by a judgment of this Court, (ECF No. 1 & 1-1), the Court having considered the parties’ submissions in connect with the motion, for the reasons stated in the accompanying Opinion, and for good cause shown,

IT IS, on this 20th day of November 2018,

ORDERED that Petitioner’s motion to vacate, set aside, or correct his sentence, under 28 U.S.C. § 2255, is DENIED on the merits, and it is further

ORDERED that a Certificate of Appealability is DENIED, and it is further

ORDERED that the Clerk shall mark this case as CLOSED.

/s/ Freda L. Wolfson  
FREDA L. WOLFSON  
United States District Judge