

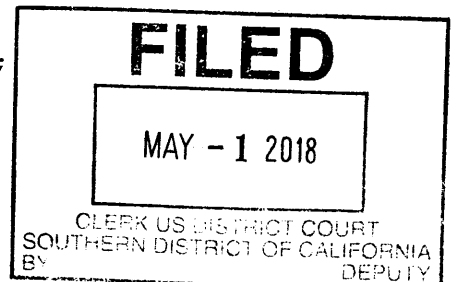
1 **FORFEITURE ADDENDUM**

2 Defendant's conviction will include forfeiture. This forfeiture  
3 addendum is incorporated into and part of Defendant's plea agreement,  
4 and the additional terms and warnings below apply.

5 A. Penalty. In addition to the penalties in the plea agreement,  
6 federal law states Defendant must forfeit to the United States  
7 all property, real and personal, that constitutes or is  
8 derived from proceeds the defendant obtained from the offense  
9 set forth in Count 1, all property, real and personal, that  
10 the Defendant used in any manner or part to commit or to  
11 facilitate the commission of the offense set forth in Count  
12 1, and all property, real and personal, involved in the  
13 offense set forth in Count 2.

14 B. Property Subject to Forfeiture. As part of Defendant's guilty  
15 plea to Counts 1 and 2 of the Superseding Information, as set  
16 forth in section I of the plea agreement, Defendant agrees to  
17 forfeit all proceeds of the offense set forth in Count 1, all  
18 property used to commit the offense set forth in Count 1, and  
19 all property involved in Count 2, and all property seized in  
20 connection with this case, including but not limited to:

- 21 (1) 68 Bitcoins (digital currency);  
22 (2) 100,046 Stratis (digital currency);  
23 (3) 624 Ethereum (digital currency);  
24 (4) 2350 Monero (digital currency);  
25 (5) .9968 Bitcoin (digital currency);  
26 (6) .05837 Bitcoin (digital currency);  
27 (7) digital currency contained in Bittrex Accounts;



1 (8) digital currency contained in Poloniex Accounts;

2 (9) \$3,305 in cash.

3

4 C. Bases of Forfeiture. Defendant owns all the property in  
5 paragraph B and admits such property represents the proceeds of the  
6 offense set forth in Count 1, and was used to commit the offense set  
7 forth in Count 1, and was property involved in the offense set forth in  
8 Count 2, and is subject to forfeiture to the United States pursuant to  
9 21 U.S.C. §853 and Title 18, United States Code, Sections 982.

10 D. Immediate Entry of Preliminary Order of Forfeiture. Defendant  
11 consents and agrees to the immediate entry of a preliminary order of  
12 forfeiture upon entry of the guilty plea. Defendant agrees that upon  
13 entry of the preliminary order of forfeiture, such order shall be final  
14 as to Defendant's interests in the properties. Defendant agrees to  
15 immediately withdraw any claims in pending administrative or civil  
16 forfeiture proceedings to properties seized in connection with this  
17 case that are directly or indirectly related to the criminal conduct.  
18 Defendant agrees to execute all documents requested by the Government  
19 to facilitate or complete the forfeiture process. Defendant further  
20 agrees not to contest, or to assist any other person or entity in  
21 contesting, the forfeiture of property seized in connection with this  
22 case. Contesting or assisting others in contesting the forfeiture shall  
23 constitute a material breach of the plea agreement, relieving the  
24 Government of all its obligations under the agreement including but not  
25 limited to its agreement to recommend an adjustment for Acceptance of  
26 Responsibility.

27 E. Entry of Orders of Forfeiture and Waiver of Notice. Defendant

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1 consents and agrees to the entry of orders of forfeiture for such  
2 property and waives the requirements of Federal Rules of Criminal  
3 Procedure 32.2 and 43(a) regarding notice of the forfeiture in the  
4 charging instrument, announcement of the forfeiture at sentencing, and  
5 incorporation of the forfeiture in the judgment. Defendant understands  
6 that the forfeiture of assets is part of the sentence that may be  
7 imposed in this case and waives any failure by the Court to advise  
8 defendant of this, pursuant to Rule 11(b)(1)(J), at the time the Court  
9 accepts the guilty plea(s).

10 F. Waiver of Constitutional and Statutory Challenges. Defendant  
11 further agrees to waive all constitutional and statutory challenges  
12 (including direct appeal, habeas corpus, or any other means) to any  
13 forfeiture carried out in accordance with this agreement, including any  
14 claim that the forfeiture constitutes an excessive fine or punishment  
15 under the United States Constitution. Defendant agrees to take all steps  
16 as requested by the United States to pass clear title to forfeitable  
17 assets to the United States and to testify truthfully in any judicial  
18 forfeiture proceeding.

19 G. Agreement Survives Defendant; No Forfeiture Abatement.  
20 Defendant agrees that the forfeiture provisions of this plea agreement  
21 are intended to, and will, survive defendant, notwithstanding the  
22 abatement of any underlying criminal conviction after the execution of  
23 this agreement. The forfeitability of any particular property pursuant  
24 to this agreement shall be determined as if defendant had survived, and  
25 that determination shall be binding upon defendant's heirs, successors  
26 and assigns until the agreed forfeiture, including any agreed money  
27 judgment amount, is collected in full.

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4/23/2018

DATED:

4/21/18

DATED

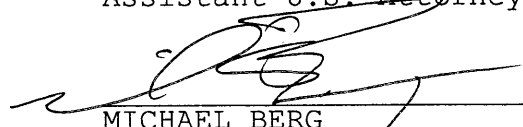
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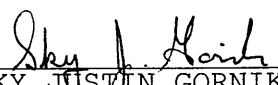
ADAM L. BRAVERMAN  
United States Attorney



SHERRI WALKER HOBSON  
Assistant U.S. Attorney



MICHAEL BERG  
Defense Counsel



SKY JUSTIN GORNIK  
Defendant

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THIS ADDENDUM IS ORDERED SEALED.

Dated: \_\_\_\_\_

United States Magistrate Judge

ADDENDUM TO PLEA AGREEMENT

(United States v. Sky Justin Gornik, 17CR2796AJB)

COOPERATION

Defendant understands and agrees that this addendum to the plea agreement will be filed under seal with the Court at the same time as the filing of the main plea agreement. The Court at the time of the Fed. R. Crim. P. Rule 11 plea colloquy will have both the main plea agreement and this addendum before the Court, and any reference during the hearing to the "plea agreement" will be understood to be a reference to the main plea agreement together with this addendum. Both parties will ensure that the Court is aware of and is considering both the plea agreement and this addendum at the Rule 11 hearing. If this issue is not raised by either party at the Rule 11 hearing, any objection relating to that issue will be considered waived.

I, Sky Justin Gornik, the defendant, certify that I have read the preceding paragraph (or it has been read to me in my native language), and that I have discussed it with my counsel and fully understand its meaning and effect. I am satisfied with counsel's representation.

4/21/18  
Date

*Sky Justin Gornik*  
SKY JUSTIN GORNIK  
Defendant

Acknowledgment by defense counsel:  
4/21/18  
Date

*[Signature]*  
MICHAEL BERG  
Defense Counsel

**FILED**  
MAY - 1 2018  
FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE  
SOUTHERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_ DEPUTY

1           A. Defendant has expressed a desire to provide substantial  
2 assistance to the Government in the investigation and prosecution of  
3 others. The Government has made no evaluation whether the cooperation,  
4 if any, will be "substantial," or whether it will merit a downward  
5 departure from the Sentencing Guidelines. **However, it is the**  
6 **Government's intent as part of this entire disposition to recommend no**  
7 **more than 7 years at the time of sentencing in this matter based on**  
8 **defendant's assistance in the investigation to date.**

9           B. Defendant agrees to be interviewed by federal law enforcement  
10 agents and attorneys and to tell everything defendant knows about every  
11 person involved presently or in the past in illegal activities.  
12 Defendant also agrees to produce all documents and other evidence in  
13 defendant's possession or control related to these violations.

14           C. Defendant agrees not to do any undercover work or tape record  
15 any conversations or gather evidence unless instructed by the agent  
16 assigned to defendant. Defendant can be prosecuted for any criminal  
17 activity undertaken without instructions.

18           D. Defendant agrees to provide statements under penalty of  
19 perjury and to testify before any federal or state grand jury, and at  
20 any pretrial, trial or post-trial proceedings. Defendant will provide  
21 complete, truthful and accurate information and testimony. Defendant  
22 agrees to submit to a polygraph examination to test the truthfulness  
23 of defendant's statements, upon request by the Government.

24           E. The Government agrees that, if defendant fully complies with  
25 this plea agreement, it will not use any statements made by defendant  
26 during the period of post-plea cooperation in any further prosecution  
27 of defendant for any offense, or in defendant's sentencing as provided  
28 in Guideline § 1B1.8. If defendant does not fully comply with this plea



1 agreement, all statements made by defendant before, during and after  
2 this plea agreement, and any leads or evidence derived from such  
3 statements can be used against defendant and are admissible in court.

4 F. If at any time the court asks the Government a direct question  
5 about information defendant disclosed under this agreement or any  
6 proffer agreements, the prosecution must truthfully answer the  
7 question. The answer shall not constitute a breach of this plea or  
8 cooperation agreement.

9 G. Statements made by defendant pursuant to this plea agreement  
10 are not statements "made in the course of any proceedings under Rule  
11 11 of the Federal Rules of Criminal Procedure" and are not statements  
12 "made in the course of plea discussions."

13 H. If the United States Attorney's Office decides that defendant  
14 has provided substantial assistance, and has fully complied with this  
15 plea agreement, it will file a motion for a downward departure under  
16 18 U.S.C. § 3553, or § 5K1.1 of the Sentencing Guidelines. Defendant  
17 acknowledges that even if the Government makes a motion, the Court may  
18 reject the Government's motion and recommendation for departure and  
19 refuse to depart downward, and defendant would not be allowed to  
20 withdraw his guilty plea.

21 I. If the United States Attorney's Office decides to make a  
22 substantial assistance motion, it will inform the sentencing judge of:  
23 (1) this plea agreement; (2) the nature and extent of defendant's  
24 activities in this case; (3) the full nature and extent of defendant's  
25 cooperation with the Government and the date when such cooperation  
26 commenced; and (4) all information in the possession of the Government  
27 relevant to sentencing, which may include information defendant  
28 disclosed under this agreement or any proffer agreements. Disclosure

*Handwritten signature*

1 of such information in the substantial assistance motion shall not  
2 constitute a breach of this plea or cooperation agreement.

3 J. If defendant provides materially false, incomplete, or  
4 misleading testimony or information, or breaches this plea agreement  
5 in any other way, the Government may prosecute defendant in connection  
6 with all federal criminal violations of which it is aware, including  
7 false statements, perjury and obstruction of justice, and defendant's  
8 sentencing guidelines may be adjusted for making false statements  
9 (e.g., § 3C1.1 and § 3E1.1). In addition, the Government may move to  
10 set aside this plea agreement, and prosecute defendant on all charges  
11 in the indictment in this case. However, if the Government elects not  
12 to set aside the plea agreement, defendant agrees that the Government  
13 may recommend any lawful sentence without restriction by this plea  
14 agreement. Any prosecution and sentence resulting from a breach of this  
15 plea agreement may be based on information provided by defendant.

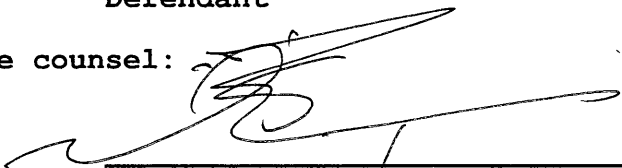
16 **The defendant understands that the main plea agreement, the**  
17 **forfeiture addendum, and this addendum embody the entire plea agreement**  
18 **between the parties and supersedes any other plea agreement, written**  
19 **or oral.**

20  
21 4/21/18  
22 Date

  
23 SKY JUSTIN GORNIK  
24 Defendant

25 Acknowledgment by defense counsel:

26  
27 4/21/18  
28 Date

  
MICHAEL BERG  
Defense Counsel

4/23/18  
Date

  
SHERRY WALKER HOBSON  
Assistant U.S. Attorney