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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
FEB 20 2018
JUDGE JORGE LUIS ALONSO
United States District Court

UNITED STATES OF AMERICA

v.

ADAN GODINEZ

No. 16 CR 554-1

Judge Jorge L. Alonso

PLEA AGREEMENT

1. This Plea Agreement between the United States Attorney for the Northern District of Illinois, JOHN R. LAUSCH, JR., and defendant ADAN GODINEZ, and his attorney, GEOFFREY MEYER, is made pursuant to Rule 11 of the Federal Rules of Criminal Procedure. The parties to this Agreement have agreed upon the following:

Charges in This Case

2. The superseding information in this case charges defendant with conspiracy to possess with intent to distribute and distribute a controlled substance, namely, 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 846 (Count One), and the discharge of a firearm during and in furtherance of a drug trafficking crime, namely, the crime charged in Count One, in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii) (Count Two).

3. Defendant has read the charges against him contained in the superseding information, and those charges have been fully explained to him by his attorney.

4. Defendant fully understands the nature and elements of the crimes with which he has been charged.

Charges to Which Defendant Is Pleading Guilty

5. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to the following counts of the superseding information: Count One, which charges defendant with conspiracy to possess with intent to distribute and distribute a controlled substance, namely, 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 846; and Count Two, which charges defendant with discharge of a firearm during and in furtherance of a drug trafficking crime, namely, the crime charged in Count One, in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii). In addition, as further provided below, defendant agrees to the entry of a forfeiture judgment.

Factual Basis

6. Defendant will plead guilty because he is in fact guilty of the charges contained in Counts One and Two of the superseding information. In pleading guilty, defendant admits the following facts and that those facts establish his guilt beyond a reasonable doubt, and establish a basis for forfeiture of the property described elsewhere in this Plea Agreement:

a. With respect to Count One of the superseding information:

From on or about August 23, 2016, to on or about August 30, 2016, in the Northern District of Illinois, Eastern Division, and elsewhere, defendant ADAN GODINEZ (“ADAN”) did conspire with co-defendant Fernando Godinez (“Fernando”) to knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely, 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1), in violation of Title 21, United States Code, Section 846.

Specifically, on August 23, 2016, ADAN contacted by phone, an individual who, unbeknownst to him, was an undercover DEA Task Force Officer (“UC”). During the call, the UC asked if ADAN had a “job” for him, and defendant replied, “Yes, yes, of course.” By job, ADAN knew the UC to be referring to narcotics for sale. The UC and ADAN agreed to meet on August 25, 2016. On August 25, 2016, the UC and ADAN met in a fast food restaurant parking lot. During the meeting, the UC stated that the UC had been told that ADAN had some “work,” which ADAN understood to mean drugs. ADAN replied that he had some “coca,” by which ADAN meant cocaine. The UC then asked about the quality and ADAN stated: “It’s good quality,” meaning that the cocaine was good quality. After discussing the price of the cocaine, ADAN showed the UC a sample of the cocaine, which the UC asked to keep, and ADAN replied: “Oh no, that’s a gram.” Minutes after the meeting, ADAN called Fernando to discuss the sale of cocaine.

On August 29, 2016, the UC sent a text message to ADAN, which read: "I'm ready for two girls, call me when you have time." By "two girls," ADAN knew that the UC was referring to two kilograms of cocaine. At approximately 4:30 p.m., the UC received a call from ADAN and during this conversation, ADAN told the UC that he got the UC's messages. The UC said that he was ready for the "two girls if you have them and you can do it," and ADAN replied: "Yes, of course." The UC attempted to set up the sale for August 29, 2016, at which time ADAN said that he had to make a phone call to see if he could do it. ADAN then called Fernando and discussed the potential sale of cocaine to the UC on August 29, 2016. ADAN called the UC back and set the sale of cocaine for August 30, 2016. Immediately after that call, ADAN called Fernando back about the agreement with the UC. Later that night, Fernando sent a text message to ADAN asking: "brother, how many chickens will the guy want?" By "chickens," ADAN knew that Fernando was referring to kilograms of cocaine. On the morning of August 30, 2016, at approximately 4:59 a.m., ADAN responded: "2," meaning two kilograms of cocaine.

On August 30, 2016, ADAN confirmed with the UC that he had the two kilograms of cocaine and the two agreed to meet at the Louis Joliet Mall for the drug transaction. At approximately 5:07 p.m., ADAN arrived at the Louis Joliet Mall in a silver Impala, followed by a Chevrolet Trailblazer, driven by Fernando. Upon arriving at the mall, ADAN and Fernando parked their respective cars and ADAN got into Fernando's Trailblazer. The UC called ADAN and told him to meet near a

specific restaurant. Fernando drove the Trailblazer next to the UC's car near the restaurant. ADAN entered the UC's car and discussed the cocaine that he knowingly intended to sell to the UC. The UC asked ADAN if the individual in the Trailblazer (Fernando) was the owner of the cocaine and ADAN stated: "He's [Fernando] the owner and very trustworthy." ADAN then exited the UC's car, went back to the Trailblazer, and the driver's side door opened. After a few seconds, ADAN walked back towards the UC's vehicle and entered the car. At the same time, Fernando backed the Trailblazer to a parking spot across the row from the UC's vehicle.

Once inside the UC's vehicle, ADAN removed a wrapped portion of the cocaine. The UC and ADAN discussed the shape and ADAN told the UC that the package he had provided to the UC was not a whole kilogram of cocaine because "they come packaged just like that." The UC asked about the quality of the cocaine and ADAN replied: "It's the best!" The UC confirmed that there were four total packages containing cocaine and that they were, in total, two kilograms of cocaine. ADAN responded: "Yes, exactly."

ADAN then got out of the UC's vehicle and went back to the Trailblazer in which Fernando was still seated. ADAN returned to the UC's vehicle moments later carrying a black gym bag. When ADAN got back into the UC's vehicle, he handed the black gym bag to the UC. The UC and ADAN then opened the bag. Inside of the bag were three additional packages of cocaine in black and clear wrapping. In total, the four rectangular objects that ADAN took from Fernando's Trailblazer and provided

to the UC contained approximately 1.996 kilograms of cocaine that ADAN and Fernando had brought to sell to the UC.

b. With respect to Count Two of the superseding information:

On or about August 30, 2016, at Joliet, in the Northern District of Illinois, Eastern Division, defendant ADAN GODINEZ knowingly discharged a firearm, namely a Sig Sauer, Model P229, .40 caliber pistol, bearing serial number AG25170, in furtherance of a drug trafficking crime, namely, conspiracy to possess with intent to distribute and distribute, in violation of Title 21, United States Code, Section 846, in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

During the meeting on August 30, 2016 described above, at the Louis Joliet Mall, ADAN attempted to sell two kilograms of cocaine to the UC. As law enforcement officers attempted to arrest Fernando in connection with the sale of cocaine, ADAN exited the UC's car, pulled out a Sig Sauer, Model P229, .40 caliber pistol, bearing serial number AG25170 (the "Sig Sauer"), and shot multiple times at the law enforcement officers.

ADAN acknowledges that he possessed the loaded firearm during the intended sale of cocaine to the UC and that one of the reasons he did so was to protect the cocaine and ensure he and Fernando were paid \$72,000 for the cocaine. ADAN further acknowledges that he brandished and fired the Sig Sauer in furtherance of the intended sale of cocaine.

7. Defendant, for purposes of computing his sentence under Guideline § 1B1.2, stipulates to having committed the following additional offense:

On or about August 30, 2016, at Joliet, in the Northern District of Illinois, Eastern Division, defendant ADAN GODINEZ attempted to kill an officer and employee of an agency in a branch of the United States Government, namely, Drug Enforcement Administration Task Officers A and B, while such officer and employee was engaged in and on account of the performance of his/her official duty, and a person assisting such officer and employee, namely, Officer A, an officer with the Wilmington Police Department, in the performance of such duties and on account of that assistance, in violation of Title 18, United States Code, Section 1114.

As described above, on August 30, 2016, at the Louis Joliet Mall, ADAN attempted to sell two kilograms of cocaine to the UC. As law enforcement officers approached Fernando in the Trailblazer in order to arrest him in connection with the sale of cocaine, ADAN exited the UC's car, pulled out the Sig Sauer, and shot multiple times at the law enforcement officers in an attempt to kill them.

ADAN further acknowledges that the law enforcement officers at whom he shot, including Drug Enforcement Administration ("DEA") Task Officers A and B, were officers or employees of the United States deputized as federal officials with the DEA and that others, including Officer A, were local police officers acting in support of the DEA. ADAN acknowledges that the officers were engaged in the performance of their official duties at the time ADAN shot at them.

Maximum Statutory Penalties

8. Defendant understands that the charges to which he is pleading guilty carry the following statutory penalties:

a. Count One carries a maximum sentence of 40 years' imprisonment, and a statutory mandatory minimum sentence of 5 years. Pursuant to Title 18, United States Code, Section 3561, defendant may not be sentenced to a term of probation on this count. Count One also carries a maximum fine of \$5,000,000. Defendant further understands that with respect to Count One the judge also must impose a term of supervised release of at least four years, and up to any number of years, including life.

b. Count Two carries a maximum sentence of life imprisonment, and a statutory mandatory minimum sentence of 10 years. The sentence of imprisonment on Count Two is required to be consecutive to any other sentence imposed. Pursuant to Title 18, United States Code, Section 3561, defendant may not be sentenced to a term of probation on this count. Count Two also carries a maximum fine of \$250,000. Defendant further understands that with respect to Count Two, the judge also may impose a term of supervised release of not more than five years.

c. Defendant further understands that the Court must order restitution to the victims of the offense in an amount determined by the Court.

d. In accord with Title 18, United States Code, Section 3013, defendant will be assessed \$100 on each count to which he has pled guilty, in addition to any other penalty or restitution imposed.

e. Therefore, under the counts to which defendant is pleading guilty, the total maximum sentence is life imprisonment, and the minimum sentence is 15 years' imprisonment. In addition, defendant is subject to a total maximum fine of \$5,250,000, a period of supervised release, and special assessments totaling \$200, in addition to any restitution ordered by the Court.

Sentencing Guidelines Calculations

9. Defendant understands that in determining a sentence, the Court is obligated to calculate the applicable Sentencing Guidelines range, and to consider that range, possible departures under the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a), which include: (i) the nature and circumstances of the offense and the history and characteristics of the defendant; (ii) the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense, afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; (iii) the kinds of sentences available; (iv) the need to avoid unwarranted sentence disparities

among defendants with similar records who have been found guilty of similar conduct; and (v) the need to provide restitution to any victim of the offense.

10. For purposes of calculating the Sentencing Guidelines, the parties agree on the following points:

a. **Applicable Guidelines.** The Sentencing Guidelines to be considered in this case are those in effect at the time of sentencing. The following statements regarding the calculation of the Sentencing Guidelines are based on the Guidelines Manual currently in effect, namely the November 2016 Guidelines Manual.

b. **Offense Level Calculations.**

Count One (Group One)

i. The base offense level is 24, pursuant to Guideline §§ 2D1.1(a)(5) and 2D1.1(c)(8), because the offense involved at least 500 grams, but less than 2 kilograms of cocaine.

ii. Pursuant to application note 4 to Guideline § 2K2.4, Guideline §§ 2D1.1(b)(1) and (b)(2) do not apply because a sentence will also be imposed under Guideline § 2K2.4 (Count Two).

iii. The total offense level for Group One is 24.

Count Two

iv. Pursuant to Guideline § 2K2.4, the guideline sentence for Count Two is the term of imprisonment required by statute, which is required to run

consecutive to any term of imprisonment imposed on defendant. The term of imprisonment required by statute for Count Two is a ten-year mandatory minimum term under Title 18, United States Code, Section 924(c)(1)(A)(iii).

Stipulated Offense (Group Two)

v. The base offense level is 27, pursuant to Guideline § 2A2.1(a)(2).

vi. It is the government's position that, pursuant to Guideline § 3A1.2(c)(1), the offense level is increased by 6 levels because defendant, knowing or having reasonable cause to believe that a person was a law enforcement officer, assaulted such officer during the course of the offense or immediate flight therefrom. It is the defendant's position that this enhancement does not apply. Each party is free to present evidence and argument to the Court on the issue.

vii. It is the government's position that the total offense level for Group Two is 33.

viii. It is defendant's position that the total offense level for Group Two is 27.

Combined Offense Level

ix. It is the government's position that, pursuant to Guideline § 3D1.4(a), Group Two is counted as one Unit as the Group with the highest offense level (offense level 33). Pursuant to Guideline § 3D1.4(c), Group One is disregarded because it is more than 8 levels less serious than Group Two.

x. It is defendant's position that, pursuant to Guideline § 3D1.4(a), Group Two is counted as one Unit as the Group with the highest offense level (offense level 27). Pursuant to Guideline § 3D1.4(c), Group One is counted as one Unit because it is between 1 and 4 levels less serious than Group Two.

xi. Pursuant to Guideline §§ 2K2.4(b) and 3D1.1(b)(1), the grouping rules do not apply to Count 2.

xii. It is the government's position that the combined offense level for Count One (Group One) and the Stipulated Offense (Group Two) is 33.

xiii. It is the defendant's position that, pursuant to Guideline § 3D1.4, the combined offense level is determined by adding two levels to the group with the highest offense level, namely, the Stipulated Offense (Group Two). Therefore, the combined offense level for Count One (Group One) and Count Two (Group Two) is 29.

xiv. If the Court determines at the time of sentencing that defendant has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for his criminal conduct within the meaning of Guideline § 3E1.1(a), including by furnishing the United States Attorney's Office and the Probation Office with all requested financial information relevant to his ability to satisfy any fine or restitution that may be imposed in this case, a two-level reduction in the offense level is appropriate. The government reserves the right to take whatever position it deems appropriate at the time of sentencing with respect to

whether defendant has accepted responsibility within the meaning of Guideline § 3E1.1(a).

xv. In accord with Guideline § 3E1.1(b), defendant has timely notified the government of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently. Therefore, as provided by Guideline § 3E1.1(b), if the Court determines the offense level to be 16 or greater prior to determining that defendant is entitled to a two-level reduction for acceptance of responsibility, the government will move for an additional one-level reduction in the offense level.

c. **Criminal History Category.** With regard to determining defendant's criminal history points and criminal history category, based on the facts now known to the government, defendant's criminal history points equal zero and defendant's criminal history category is I.

d. **Anticipated Advisory Sentencing Guidelines Range.** Therefore, based on the facts now known to the government, it is the government's position that defendant's offense level is 33, which, when combined with the anticipated criminal history category of I, results in an anticipated advisory sentencing guidelines range of 135 to 168 months' imprisonment, in addition to any supervised release, fine, and restitution the Court may impose. It is defendant's position that his offense level is 26, which, when combined with the anticipated criminal history category of I, results in an anticipated advisory sentencing guideline

range of 63 to 78 months' imprisonment, in addition to any supervised release, fine, and restitution the Court may impose. Defendant acknowledges that the statutory minimum sentence of 10 years' imprisonment from Count Two must be consecutive to the sentence imposed in Count One. Defendant also acknowledges that he is subject to a combined statutory minimum sentence of 15 years' imprisonment on Counts One and Two.

e. Defendant and his attorney and the government acknowledge that the above guidelines calculations are preliminary in nature, and are non-binding predictions upon which neither party is entitled to rely. Defendant understands that further review of the facts or applicable legal principles may lead the government to conclude that different or additional guidelines provisions apply in this case. Defendant understands that the Probation Office will conduct its own investigation and that the Court ultimately determines the facts and law relevant to sentencing, and that the Court's determinations govern the final guideline calculation. Accordingly, the validity of this Agreement is not contingent upon the probation officer's or the Court's concurrence with the above calculations, and defendant shall not have a right to withdraw his plea on the basis of the Court's rejection of these calculations.

11. Both parties expressly acknowledge that this Agreement is not governed by Fed. R. Crim. P. 11(c)(1)(B), and that errors in applying or interpreting any of the sentencing guidelines may be corrected by either party prior to sentencing. The

parties may correct these errors either by stipulation or by a statement to the Probation Office or the Court, setting forth the disagreement regarding the applicable provisions of the guidelines. The validity of this Agreement will not be affected by such corrections, and defendant shall not have a right to withdraw his plea, nor the government the right to vacate this Agreement, on the basis of such corrections.

Agreements Relating to Sentencing

12. Each party is free to recommend whatever sentence it deems appropriate.

13. It is understood by the parties that the sentencing judge is neither a party to nor bound by this Agreement and may impose a sentence up to the maximum penalties as set forth above. Defendant further acknowledges that if the Court does not accept the sentencing recommendation of the parties, defendant will have no right to withdraw his guilty plea.

14. Regarding restitution, defendant acknowledges that pursuant to Title 18, United States Code, Section 3663A, the Court must order defendant to make full restitution to any victims in an amount to be determined by the Court at sentencing, which amount shall reflect credit for any funds repaid prior to sentencing.

15. Restitution shall be due immediately, and paid pursuant to a schedule to be set by the Court at sentencing. Defendant acknowledges that pursuant to Title 18, United States Code, Section 3664(k), he is required to notify the Court and the United States Attorney's Office of any material change in economic circumstances that might affect his ability to pay restitution.

16. Defendant agrees to pay the special assessment of \$200 at the time of sentencing with a cashier's check or money order payable to the Clerk of the U.S. District Court.

17. Defendant agrees that the United States may enforce collection of any fine or restitution imposed in this case pursuant to Title 18, United States Code, Sections 3572, 3613, and 3664(m), notwithstanding any payment schedule set by the Court.

18. After sentence has been imposed on the counts to which defendant pleads guilty as agreed herein, the government will move to dismiss the superseding indictment as to defendant.

Forfeiture

19. Defendant understands that by pleading guilty, he will subject to forfeiture to the United States all right, title, and interest that he has in any property any property involved in the offense.

20. Defendant agrees to forfeiture of the following specific property to the United States: a Sig Sauer, Model P229, .40 caliber pistol bearing serial number AG25170, and associated ammunition. In doing so, defendant admits that the property described above constitutes property involved in the offense, as alleged in the superseding information. Defendant consents to the immediate entry of a preliminary order of forfeiture as to this specific property, thereby extinguishing any right, title, or interest defendant has in it. If any of the specific property is not yet in the custody of the United States, defendant agrees to seizure of that property so that it may be disposed of according to law.

21. Defendant agrees to waive all constitutional, statutory, and equitable challenges in any manner, including but not limited to direct appeal or a motion brought under Title 28, United States Code, Section 2255, to any forfeiture and/or abandonment carried out in accordance with this agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment. The waiver in this paragraph does not apply to a claim of involuntariness or ineffective assistance of counsel. Defendant further agrees not to challenge or seek review of the civil or administrative forfeiture of any property identified in this agreement subject to forfeiture or abandonment, and will not assist any third party with regard to such challenge or review.

Acknowledgments and Waivers Regarding Plea of Guilty

Nature of Agreement

22. This Agreement is entirely voluntary and represents the entire agreement between the United States Attorney and defendant regarding defendant's criminal liability in case 16 CR 554-1.

23. This Agreement concerns criminal liability only. Except as expressly set forth in this Agreement, nothing herein shall constitute a limitation, waiver, or release by the United States or any of its agencies of any administrative or judicial civil claim, demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Agreement are limited to the United States Attorney's Office for the Northern District of Illinois and cannot bind any other

federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Agreement.

Waiver of Rights

24. Defendant understands that by pleading guilty he surrenders certain rights, including the following:

a. **Right to be charged by indictment.** Defendant understands that he has a right to have the charges prosecuted by an indictment returned by a concurrence of twelve or more members of a grand jury consisting of not less than sixteen and not more than twenty-three members. By signing this Agreement, defendant knowingly waives his right to be prosecuted by indictment and to assert at trial or on appeal any defects or errors arising from the information, the information process, or the fact that he has been prosecuted by way of information.

b. **Trial rights.** Defendant has the right to persist in a plea of not guilty to the charges against him, and if he does, he would have the right to a public and speedy trial.

i. The trial could be either a jury trial or a trial by the judge sitting without a jury. However, in order that the trial be conducted by the judge sitting without a jury, defendant, the government, and the judge all must agree that the trial be conducted by the judge without a jury.

ii. If the trial is a jury trial, the jury would be composed of twelve citizens from the district, selected at random. Defendant and his attorney

would participate in choosing the jury by requesting that the Court remove prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges.

iii. If the trial is a jury trial, the jury would be instructed that defendant is presumed innocent, that the government has the burden of proving defendant guilty beyond a reasonable doubt, and that the jury could not convict him unless, after hearing all the evidence, it was persuaded of his guilt beyond a reasonable doubt and that it was to consider each count of the superseding information separately. The jury would have to agree unanimously as to each count before it could return a verdict of guilty or not guilty as to that count.

iv. If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, and considering each count separately, whether or not the judge was persuaded that the government had established defendant's guilt beyond a reasonable doubt.

v. At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant. Defendant would be able to confront those government witnesses and his attorney would be able to cross-examine them.

vi. At a trial, defendant could present witnesses and other evidence in his own behalf. If the witnesses for defendant would not appear

voluntarily, he could require their attendance through the subpoena power of the Court. A defendant is not required to present any evidence.

vii. At a trial, defendant would have a privilege against self-incrimination so that he could decline to testify, and no inference of guilt could be drawn from his refusal to testify. If defendant desired to do so, he could testify in his own behalf.

viii. With respect to forfeiture, defendant understands that if the case were tried before a jury, he would have a right to retain the jury to determine whether the government had established the requisite nexus between defendant's offense and any specific property alleged to be subject to forfeiture.

c. **Waiver of appellate and collateral rights.** Defendant further understands he is waiving all appellate issues that might have been available if he had exercised his right to trial. Defendant is aware that Title 28, United States Code, Section 1291, and Title 18, United States Code, Section 3742, afford a defendant the right to appeal his conviction and the sentence imposed. Acknowledging this, defendant knowingly waives the right to appeal his conviction, any pre-trial rulings by the Court, and any part of the sentence (or the manner in which that sentence was determined), including any term of imprisonment and fine within the maximums provided by law, and including any order of restitution or forfeiture, in exchange for the concessions made by the United States in this Agreement. In addition, defendant also waives his right to challenge his conviction and sentence, and the manner in

which the sentence was determined, in any collateral attack or future challenge, including but not limited to a motion brought under Title 28, United States Code, Section 2255. The waiver in this paragraph does not apply to a claim of involuntariness or ineffective assistance of counsel, nor does it prohibit defendant from seeking a reduction of sentence based directly on a change in the law that is applicable to defendant and that, prior to the filing of defendant's request for relief, has been expressly made retroactive by an Act of Congress, the Supreme Court, or the United States Sentencing Commission.

25. Defendant understands that by pleading guilty he is waiving all the rights set forth in the prior paragraphs. Defendant's attorney has explained those rights to him, and the consequences of his waiver of those rights.

Presentence Investigation Report/Post-Sentence Supervision

26. Defendant understands that the United States Attorney's Office in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing shall fully apprise the District Court and the Probation Office of the nature, scope, and extent of defendant's conduct regarding the charges against him, and related matters. The government will make known all matters in aggravation and mitigation relevant to sentencing.

Other Terms

27. Defendant agrees to cooperate with the United States Attorney's Office in collecting any unpaid fine and restitution for which defendant is liable, including

providing financial statements and supporting records as requested by the United States Attorney's Office.

28. Defendant understands that, if convicted, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

Conclusion

29. Defendant understands that this Agreement will be filed with the Court, will become a matter of public record, and may be disclosed to any person.

30. Defendant understands that his compliance with each part of this Agreement extends throughout the period of his sentence, and failure to abide by any term of the Agreement is a violation of the Agreement. Defendant further understands that in the event he violates this Agreement, the government, at its option, may move to vacate the Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Agreement, or may move to resentence defendant or require defendant's specific performance of this Agreement. Defendant understands and agrees that in the event that the Court permits defendant to withdraw from this Agreement, or defendant breaches any of its terms and the government elects to void the Agreement and prosecute defendant, any prosecutions that are not time-barred by the applicable statute of limitations on the date of the signing of this Agreement may be commenced against defendant in accordance with this paragraph, notwithstanding the expiration of the statute of

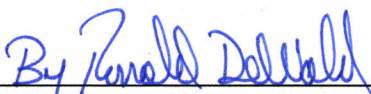
limitations between the signing of this Agreement and the commencement of such prosecutions.

31. Should the judge refuse to accept defendant's plea of guilty, this Agreement shall become null and void and neither party will be bound to it.

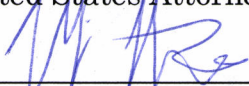
32. Defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this Agreement, to cause defendant to plead guilty.

33. Defendant acknowledges that he has read this Agreement and carefully reviewed each provision with his attorney. Defendant further acknowledges that he understands and voluntarily accepts each and every term and condition of this Agreement.


AGREED THIS DATE: 2/20/18



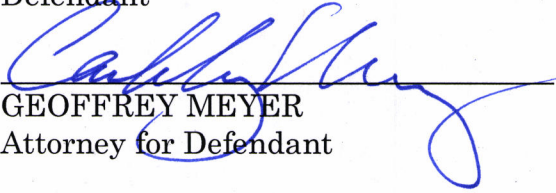
JOHN R. LAUSCH, JR.
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BRIAN S. WALLACH
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ADAN GODINEZ
Defendant



GEOFFREY MEYER
Attorney for Defendant