

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case Number: 10-60195-CR-DIMITROULEAS

UNITED STATES OF AMERICA)
)
v.)
)
STANLEY GLADSTONE,)
)
Defendant.)
_____)

PLEA AGREEMENT

The Office of the United States Attorney for the Southern District of Florida and the United States Department of Justice, Office of Consumer Litigation, (hereinafter referred to as the “government”) and **STANLEY GLADSTONE** (hereinafter referred to as the “defendant”) enter into the following agreement:

1. The defendant agrees to plead guilty to Count 1 of the attached information (“Exhibit A”), which charges the defendant with conspiracy to commit mail and wire fraud, in violation of Title 18, United States Code, Section 371.
2. The defendant agrees to the Factual Resume (“Exhibit B”) attached to this plea agreement and submits it to the Court in support of his guilty plea and as evidence of his guilt in this case.
3. The government agrees to seek dismissal all Counts of the indictment after sentencing.
4. The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter “Sentencing Guidelines”). The defendant acknowledges and understands that the Court will compute an advisory sentence under the

Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offense identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

5. The defendant understands and acknowledges that the Court may impose a statutory maximum term of imprisonment of up to five (5) years, followed by a term of supervised release of up to three (3) years (18 U.S.C. § 3583(b)(2)). In addition to a term of imprisonment and supervised release, the Court may impose a fine of up to \$250,000 or twice the gross loss or gain as a result of the defendant's offense, whichever is greater (18 U.S.C. § 3571(b)(3) and (d)), and shall order restitution to the victims (18 U.S.C. § 3663A).

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 5 of this agreement, a special assessment in the amount of \$100 will be

imposed on the defendant. The defendant agrees that any special assessment imposed shall be paid at the time of sentencing.

7. The government reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this agreement, the government further reserves the right to make any recommendation as to the quality and quantity of punishment.

8. The government agrees that, although not binding on the probation office or the Court, it will recommend that the Court impose a sentence not greater than the upper end of the advisory sentencing guideline range produced by application of the Sentencing Guidelines. Although not binding on the probation office or the Court, the government further agrees that, except as otherwise expressly contemplated in this plea agreement, the government will recommend that the Court not depart upward under the Sentencing Guidelines when determining the advisory sentencing guideline range in this case.

9. The Government agrees that it will recommend at sentencing that the Court reduce by two levels the sentencing guideline level applicable to the defendant's offense, pursuant to Section 3E1.1(a) of the Sentencing Guidelines, based upon the defendant's recognition and affirmative and timely acceptance of personal responsibility. If at the time of sentencing the defendant's offense level is determined to be 16 or greater, the government will make a motion requesting an additional one level decrease pursuant to Section 3E1.1(b) of the Sentencing Guidelines, stating that the defendant 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 the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently. The government further agrees to recommend that the defendant be sentenced at the low end of the guideline range, as that range is determined by the Court. The government, however, will not be required to make this motion and these recommendations if the defendant: (1) fails or refuses to make a full, accurate and complete disclosure to the probation office of the circumstances surrounding the relevant offense conduct; (2) is found to have misrepresented facts to the government prior to entering into this plea agreement; (3) commits any misconduct after entering into this plea agreement, including but not limited to committing a state or federal offense, violating any term of release, or making false statements or misrepresentations to any governmental entity or official; or (4) makes any statement or takes any action inconsistent with acceptance of responsibility for his criminal conduct.

10. The government agrees that, although not binding on the probation office or the Court, it will recommend that the Court make, inter alia, the following findings and conclusions as to the sentence to be imposed:

a. Base offense level: That, under Section 2B1.1(a)(2) of the Sentencing Guidelines, the base offense level is 6.

b. Loss: That, under Section 2B1.1(b)(1) of the Sentencing Guidelines, the relevant amount of actual, probable, or intended loss resulting from the defendant's role in the offense of conviction is not more than \$20,000,000.

c. Number of victims: That, under Section 2B1.1(b)(2)(C) of the Sentencing Guidelines, the number of victims who incurred loss as a result of the defendant's role in the offense of conviction was more than 250.

d. Role in the offense: That, under Section 3B1.1 of the Sentencing Guidelines, the defendant was an organizer or leader of criminal activity that involved five or more participants.

e. Overall guideline range: That the applicable guideline range under all of the circumstances of the offense committed by the defendant, before consideration of acceptance of responsibility under paragraph 9 above, is not more than Level 36.

11. The Defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the Government in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by Statute or is the result of an upward departure from the guideline range that the court establishes at sentencing. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the government appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney. The defendant further agrees, together with the government, to request that the district court enter a specific finding that the defendant's waiver of his right to appeal the sentence to be imposed in this case was knowing and voluntary.

12. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the

defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

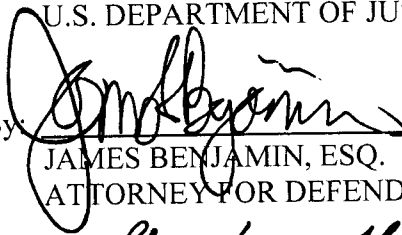
13. This is the entire agreement and understanding between the government and the defendant. There are no other agreements, promises, representations, or understandings.

WIFREDO A. FERRER
UNITED STATES ATTORNEY

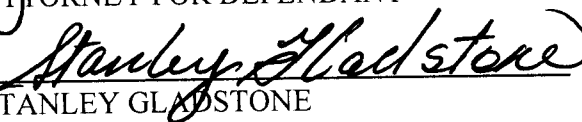
Date: 2/2/11

By: 
PERHAM GORJI, ATTORNEY
U.S. DEPARTMENT OF JUSTICE

Date: 2/1/11

By: 
JAMES BENJAMIN, ESQ.
ATTORNEY FOR DEFENDANT

Date: 10 Feb 2011

By: 
STANLEY GLADSTONE
DEFENDANT