

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

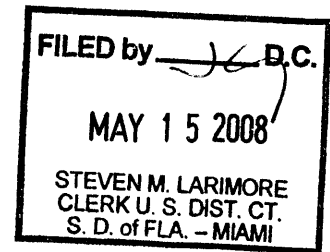
Case No. 08-20216-CR-MORENO

UNITED STATES OF AMERICA

vs.

ALVIN L. FOWLER,

Defendant.



PLEA AGREEMENT

The United States of America and Alvin L. Fowler, (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to counts 1, 2, 3, 9, 10, 14, 15, and 16 of the Indictment, which charges violations of Title 18, United States Code, Sections 371, 1028(a)(2), 1544, 1028(a)(5), 1028A(a)(1), and 2.

2. The United States agrees to request the Court to dismiss counts 4, 5, 6, 7, 8, 11, 12, 13, 17, 18, and 19, as to this defendant, at the time of sentencing. The United States further agrees that this agreement, if accepted by the Court, resolves the defendant's federal criminal liability in the Southern District of Florida regarding any criminal conduct as of the date of this plea agreement pertaining to fraud and related activity in connection with identification documents, authentication features, and information; misuse of passports; and aggravated identity theft; stemming from the passport expediting service company in Atlanta, Georgia, ("The Company") as named in the Indictment.

3. 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 offenses identified in paragraph one (1) and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

4. The defendant also understands and acknowledges that as to Count 1, the court may impose a term of imprisonment of up to five years, followed by a term of supervised release of not more than three years, and a fine of up to \$250,000. The defendant also understands and acknowledges that as to Counts 2 and 3, the court may impose a term of imprisonment of up to fifteen years, per each count, followed by a term of supervised release of not more than three years,

and a fine of up to \$250,000. The defendant also understands and acknowledges that as to Counts 9 and 10, the court may impose a term of imprisonment of up to ten years, per each count, followed by a term of supervised release of not more than three years, and a fine of up to \$250,000. The defendant also understands and acknowledges that as to Count 14, the court may impose a term of imprisonment of up to fifteen years, followed by a term of supervised release of not more than three years, and a fine of up to \$250,000. The defendant also understands that as to Count 15, the Court must impose a term of imprisonment of two years, consecutive to any other term of imprisonment, followed by a term of supervised release of not more than one year, and a fine of up to \$250,000. The defendant also understands that as to Count 16, the Court may impose a term of imprisonment of two years, followed by a term of supervised release of not more than one year, and a fine of up to \$250,000.

5. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this agreement, a special assessment in the amount of \$800.00 will be imposed on the defendant. The defendant agrees that any special assessment imposed shall be paid at the time of sentencing.

6. The Office of the United States Attorney for the Southern District of Florida (hereinafter "Office") 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 offense 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, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

7. The United States 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 United States, 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; or (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.

8. The Office and the defendant agree that, although not binding on the probation office or the Court, they will jointly recommend that the Court make the following findings and conclusions as to the advisory Sentencing Guidelines range:

- (a) that, as to Counts 1, 2, 3, 9, 10 and 14, the proper Sentencing Guidelines application is Section 2L2.1;

- (b) that under Sentencing Guidelines Section 3D1.2, Counts 1, 2, 3, 9, 10 and 14 are grouped together;
- (c) that under Sentencing Guidelines Section 2L2.1(a), the base offense level is 11;
- (d) that under Sentencing Guidelines Section 2L2.1(b)(2), the offense involved 25-99 documents/passports, hence increasing the base offense level by 6;
- (e) that under Sentencing Guidelines Section 2L2.1(b)(5)(A), the defendant fraudulently obtained or used a United States passport, hence increasing the base offense level by 4;
- (f) that there are no other applicable offense level enhancements or reductions under Section 2L2.1;
- (g) The parties further agree that neither an Aggravating Role, under Section 3B1.1, nor a Mitigating Role, under Section 3B1.2 of the Sentencing Guidelines is applicable;
- (h) that assuming the Court follows the recommendations in 8(a) through 8(g), and the defendant receives a three-level reduction for acceptance of responsibility as contemplated in paragraph 6, the defendant's final offense level is an 18, as to Counts 1, 2, 3, 9, 10 and 14.

9. The Office and the defendant also agree that, although not binding on the probation office or the Court, they will jointly recommend that the Court make the following findings and conclusions as to the advisory Sentencing Guidelines range:

- (a) that as to Counts 15 and 16, the proper Sentencing Guideline Application is Section 2B1.6;
- (b) that under application of Section 2B1.6, the guideline sentence is the term of imprisonment required by statute;
- (c) that under Title 18, United States Code, Section 1028A(a)(1), the first count of conviction, Count 15, must be a two year term of imprisonment, consecutive to any other term of imprisonment imposed;
- (d) that as to Count 16, the parties will jointly recommend that the two year term of imprisonment also be imposed consecutive to the term of imprisonment as to Count 15, and to the term of imprisonment imposed as to Counts 1, 2, 3, 9, 10 and 14.
- (e) thus as contemplated in 9(a) through 9(d), as to Count 15 and 16, the parties will jointly recommend that a total term of imprisonment of four (4) years be imposed, to be consecutive to the term of imprisonment imposed as to Counts 1, 2, 3, 9, 10 and 14.

10. The United States and the defendant agree that, although not binding on the probation office or the court, they will jointly recommend that the court impose a sentence within the advisory sentencing guideline range produced by application of the Sentencing Guidelines. Although not binding on the probation office or the court, the United States and the defendant further agree that,

except as otherwise expressly contemplated in this Plea Agreement, they will jointly recommend that the court neither depart upward nor depart downward under the Sentencing Guidelines when determining the advisory sentencing guideline range in this case.

11. The defendant agrees to the entry of a money judgment in the amount of \$33,700. The defendant also agrees to forfeit the following items: (1) A Brother Electronic Typewriter, Model: GX-6750, S/N: H3E691734; (2) A Dell laptop computer, Model: Inspiron P/N: J7301, and; (3) An HP Deskjet Scanner/Printer, Model: F335 S/N CN68SJ70VX. The defendant knowingly and voluntarily agrees to waive any claim or defense he may have under the Eighth Amendment to the United States Constitution, including any claim of excessive fine or penalty with respect to the forfeited assets.

12. 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 United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or 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 and/or a variance 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 United States 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 United States, 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.

13. 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 in paragraph 3 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.



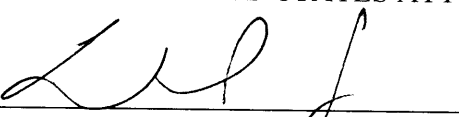
14. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

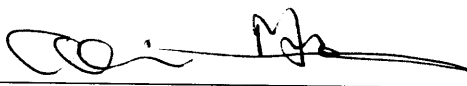
Date: 5/13/08

By:   
RUSSELL KOONIN  
ASSISTANT UNITED STATES ATTORNEY

Date: 4/28/08

By:   
DANIEL COURTNEY, ESQ.,  
ATTORNEY FOR DEFENDANT

Date: 04-28-08

By:   
ALVIN L. FOWLER  
DEFENDANT