

FILED

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

FEB 13 2012

**U.S. DISTRICT COURT
DISTRICT OF R.I.**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CR. No.
	:	
RICHARD BONAFIGLIA	:	
	:	

PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the United States and Defendant, Richard Bonafiglia have reached the following agreement:

1. Defendant's Obligations.
 - a. Defendant will plead guilty to Count One of the Second Superseding Indictment, which charges Defendant with conspiracy to participate in a racketeering enterprise, in violation of 18 U.S.C. § 1962(d).
2. Government's Obligations. In exchange for Defendant's plea of guilty:
 - a. If Defendant enters a plea of guilty to Count One of the Second Superseding Indictment, the government has agreed to recommend a sentence of between eighty-four and one-hundred and five months.
 - b. As of the date of this agreement, Defendant has timely notified authorities of an intention to enter a plea of guilty.
 - c. . The government is free to recommend any combination of supervised release, fines, and restitution which it deems appropriate.
 - d. The government will, at the time of sentencing, move to dismiss Count Two,

conspiracy to violate the Hobbs Act (extortion).

3. Pursuant to Rule 11(c)(1)(C) The United States and defendant stipulate and agree to the following facts

a. Defendant admits that he was an associate of the charged enterprise during the time of the conspiracy and since 2005 agreed to the multiple acts of extortion as alleged in the Indictment. More specifically, Defendant knowingly assisted other members and associates in the charged racketeering conspiracy through his involvement at the Cadillac Lounge by assisting other conspirators in their collection and receipt of monthly protection payments, paid in cash by the owners and operators of certain adult entertainment businesses in Rhode Island including, but not limited to the strip club known as the Cadillac Lounge.

4. Defendant further agrees that there is no basis to seek a downward departure or variance from a sentence of between eighty-four months and one-hundred five months. Pursuant to Rule 11(c)(1)(C), Defendant explicitly agrees that a sentence of between eighty-four and one-hundred five months is reasonable under 18 U.S.C. § 3553.

5. The maximum statutory penalties for the offense to which Defendant is pleading are as follows:

- a. 20 years' imprisonment;
- b. A fine of \$ 250,000;
- c. A term of supervised release not to exceed 3 years; and

d. A mandatory special assessment of \$100.

6. Defendant agrees that, after he and Defendant's counsel sign this agreement, counsel will return it to the United States Attorney's Office along with a money order or certified check, payable to the Clerk, United States District Court, in payment of the special assessments. Failure to do so, unless the Court has made a previous finding of indigence, will relieve the government of its obligation to recommend a reduction in the offense level under the guidelines for acceptance of responsibility.

7. Defendant is advised and understands that:

- a. The government has the right, in a prosecution for perjury or making a false statement, to use against Defendant any statement that Defendant gives under oath;
- b. Defendant has the right to plead not guilty, or having already so pleaded, to persist in that plea;
- c. Defendant has the right to a jury trial;
- d. Defendant has the right to be represented by counsel – and if necessary have the Court appoint counsel – at trial and every other stage of the proceeding;
- e. Defendant has the right at trial to confront and cross-examine adverse witnesses, to be protected from self-incrimination, to testify and present evidence, and to compel the attendance of witnesses; and
- f. Defendant waives these trial rights if the Court accepts a plea of guilty.

8. The government reserves its full right of allocution, including the right to present any information to the Court for its consideration in fashioning an appropriate sentence, the right

to correct misstatements, misrepresentations, or omissions by Defendant, and to answer any questions asked by the Court.

9. Consistent with Rule 11(c)(1)(C), the Court may accept the plea agreement or reject the plea agreement. In the event the Court rejects this plea agreement, either party may elect to declare the agreement null and void. In such an event, the defendant may withdraw his plea pursuant to the provisions of Federal Rule of Criminal Procedure 11(c)(5).

10. Defendant hereby waives his right to appeal the conviction and sentence imposed by the Court, if the sentence imposed by the Court is between eighty-four and one-hundred and five months. The Government will recommend a period of ninety-six months in prison. This agreement does not affect the rights or obligations of the United States as set forth in 18 U.S.C. § 3742(b), and the government retains its right to appeal any of the Court's sentencing determinations.

11. This agreement is binding on the government only if Defendant pleads guilty, fulfills all his obligations under the agreement, does not engage in any conduct constituting obstruction of justice under § 3C1.1 of the guidelines, and does not commit any new offenses. Defendant understands that if he violates this agreement in any way, the government shall be released from its obligations under the agreement and will be free to make any recommendations that it deems appropriate. If that occurs, Defendant shall not have the right to withdraw his guilty plea.

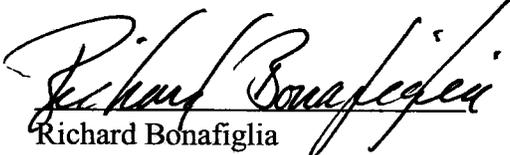
12. This agreement is limited to the District of Rhode Island and does not bind any other federal, state, or local prosecutive authorities.

13. This agreement constitutes the entire agreement between the parties. No other

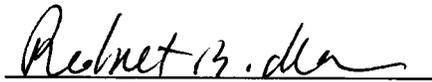
promises or inducements have been made concerning the plea in this case. Defendant acknowledges that no person has, directly or indirectly, threatened or coerced Defendant to enter this agreement. Any additions, deletions, or modifications to this agreement must be made in writing and signed by all the parties in order to be effective.

14. Counsel for Defendant states that Counsel has read this agreement, been given a copy of it for Counsel's file, explained it to his client, and states that to the best of Counsel's knowledge and belief, his client understands the agreement.

15. Defendant states that he has read the agreement or has had it read to him, has discussed it with his Counsel, understands it, and agrees to its provisions.


Richard Bonafiglia
Defendant

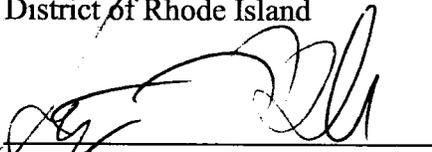
2/9/12
Date


Robert B. Mann
Counsel for Defendant

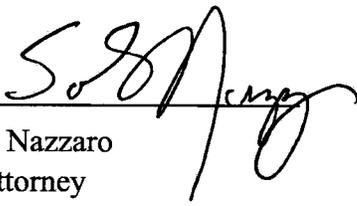
2/10/12
Date


William J. Ferland
Assistant U.S. Attorney
District of Rhode Island

2/13/2012
Date


Stephen G. Dambruch
Assistant U.S. Attorney
Chief, Criminal Division
District of Rhode Island

02/13/2012
Date



Sam G. Nazzaro
Trial Attorney
Criminal Division
Department of Justice, Washington D.C.

15 Feb 2012
Date