

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

UNITED STATES OF AMERICA

v.

**RAYMOND R. JENKINS
a/k/a "Scarface"**

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CR. No. 11-04-07 S

PLEA AGREEMENT

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

1. Defendant's Obligations.

a. Defendant will plead guilty to Count Four of the Second Superseding Indictment, which charges Defendant with conspiracy to participate in a Hobbs Act extortion, in violation of 18 U.S.C. § 1951.

2. Government's Obligations. In exchange for Defendant's plea of guilty:

a. If Defendant enters a plea of guilty to Count Four of the Second Superseding Indictment, the government has agreed to recommend a sentence at the mid point of the applicable guideline range of the United States Sentencing Guidelines (the "guidelines" or U.S.S.G.).

b. For purposes of determining the offense level, the government agrees to recommend a two-level reduction in the offense level for acceptance of responsibility under § 3E1.1(a) of the guidelines if Defendant continues to demonstrate acceptance of responsibility through sentencing.



c. As of the date of this agreement, Defendant has timely notified authorities of an intention to enter a plea of guilty. If the offense level is 16 or greater and Defendant enters a plea of guilty pursuant to this agreement, the government will move the sentencing Court for an additional decrease of one level, pursuant to U.S.S.G. § 3E1.1(b)(2), unless Defendant indicates an intention not to enter a plea of guilty, thereby requiring the government to prepare for trial.

d. The government is free to recommend any combination of supervised release, fines, and restitution which it deems appropriate.

e. The government will, at the time of sentencing, move to dismiss Count Five, of the Indictment, Hobbs Act (extortion).

3. Pursuant to Rule 11(c)(1)(C) the United States and defendant stipulate and agree to the following facts and particular provisions and applications of the sentencing guidelines:

- a. Defendant admits together with the others charged devised a scheme to extort money from a person identified as Person A. This scheme involved implied threats of violence , thereby extorting from Person A the total sum of \$25,000 to allegedly resolve a debt Person A had incurred with another individual. In September or October of 2011, defendant met with Person A and collected the sum of \$20,000 from Person A , the sum of which had been withdrawn from an IRA held by Person A's spouse. The money was later shared with other members and associates of the conspiracy.
- b. The parties further stipulate the base offense level for a violation of 18

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U.S.C. § 1951 is 18, pursuant to U.S.S.G. § 2B3.2(a). The parties further stipulate that the offense involved express or implied threats of death or bodily injury, and thus a two-level increase is appropriate, pursuant to U.S.S.G. § 2B3.2(b)(1) for an offense level of 20.

- c. The parties further stipulate that, pursuant to U.S.S.G. § 2B3.2(b)(2), the extortion conduct resulted in a loss to the victims of the extortion. This loss exceeds \$ 10,000 but is not more than \$50,000 resulting in a one-level increase pursuant to U.S.S.G. § 2B3.1(b)(7)(B). The resulting offense level is 21.

4. The parties agree that provided defendant accepts responsibility for the offense and is awarded a three level reduction for acceptance of responsibility, the resulting total offense level in this case will be a level 18. Based upon these agreed to stipulated facts and application of the sentencing guidelines, the parties further agree that pursuant to Rule 11(c)(1)(C), an offense level of 18 and Criminal History III is the appropriate disposition of this case. Accordingly, pursuant to Rule 11(c)(1)(C), defendant's range of imprisonment will be 33-41 months, plus any lawful fine imposed by the Court, lawful term of supervised release and special assessment.

5. 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).

6. Defendant further agrees that there is no basis to seek a downward departure or variance from the agreed to advisory guideline range of 33-41 months. Additionally, Defendant explicitly agrees that a sentence within the applicable guideline range is reasonable under 18

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U.S.C. § 3553.

7. 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.

8. 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.

9. 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;

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- 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.

10. 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.

11. Defendant hereby waives his right to appeal the conviction and sentence imposed by the Court, if the sentence imposed by the Court is within the sentencing guideline range determined by the Court. 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.

12. 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.

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

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14. 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.

15. 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.

16. 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.

Handwritten signatures of two individuals, likely the defendant and his counsel, in black ink.

Raymond R Jenkins III
Raymond Jenkins
Defendant

2/12/12
Date

William C. Dimitri
William C. Dimitri
Counsel for Defendant

2/12/12
Date

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

2/14/12
Date

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

02/14/2012
Date

Sam G. Nazzaro
Sam G. Nazzaro
Trial Attorney,
Organized Crime Gang Section
Criminal Division
Department of Justice
Washington, DC

15 Feb. 2012
Date