

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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OCT 19 2012

UNITED STATES OF AMERICA

v.

THEODORE CARDILLO  
a/k/a "Teddy"

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CR. No. 11-0004-03S

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

PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the United States and Defendant, Theodore Cardillo 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 five years probation the first six months to be served in home confinement.

b. The government will, at the time of sentencing, move to dismiss Count Two, conspiracy to violate the Hobbs Act (extortion).

3. Pursuant to 11(c)(1)(C) the United States and the 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 approximately 1999 agreed that multiple acts of extortion as alleged in the Indictment would be carried out by members and associates of the enterprise. More specifically, Defendant knowingly assisted other members and associates in the charged racketeering conspiracy 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 the Cadillac Lounge

b. The parties further stipulate defendant's underlying racketeering activity in this case involved extortion through the use of implied threats of injury or serious damage. The parties further stipulate that the offense involved implied threats of death or bodily injury.

c. The parties further stipulate that the extortion conduct resulted in a loss to the victim. This loss exceeds \$250,000 but is not more than \$800,000 .

d. The parties further stipulate that defendant's conduct constitutes a minimal role in the conspiracy.

4. Based upon these agreed to stipulated facts the parties further agree that pursuant to Rule 11(c)(1)(C), the appropriate sentence is five years probation, the first six months of the sentence to be served in home confinement, plus any lawful fine imposed by the Court. 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. Should the defendant so elect, he will be afforded the opportunity to withdraw his plea pursuant to the provisions of Federal Rule of Criminal Procedure 11(c)(5).

5. There is no agreement as to which Offense Level and Criminal History Category applies in this case. Both the United States and Defendant reserve their rights to argue and present evidence on all matters affecting sentencing.

6. 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.

7. 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.

8. 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.

9. 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.

10. Defendant hereby waives his right to appeal the conviction and sentence imposed by the Court, if the sentence imposed by the Court is within that range agreed to by the parties and approved by the Court.

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.

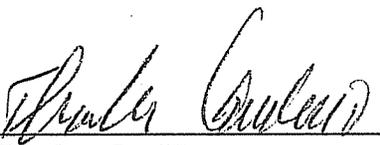
12. This agreement is limited to the District of Rhode Island and does not bind any other federal, state, or local prosecutive authorities.

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

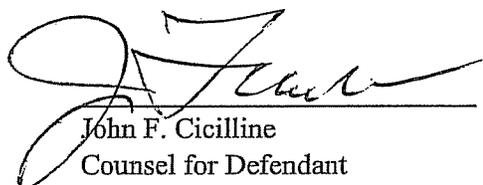
promises or inducements have been made concerning the plea in this case. Defendant acknowledges that no person has, directly or indirectly, threatened or coerced Defendant to enter this agreement. Any additions, deletions, or modifications to this agreement must be made in writing and signed by all the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

  
Theodore Cardillo  
Defendant

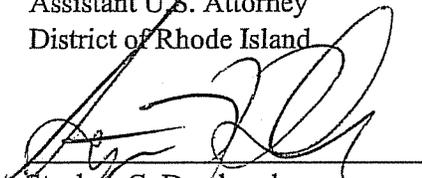
9-17-12  
Date

  
John F. Cicilline  
Counsel for Defendant

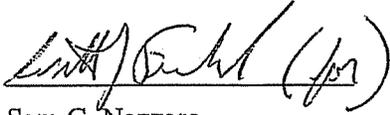
13 Sept 2012  
Date

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

10-15-12  
Date

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

10/18/2012  
Date



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

10-19-2012  
Date