

b) The punishment for this offense is up to life imprisonment, up to a \$250,000 fine, up to five years of supervised release, and a \$100 special assessment.

3. At the time of sentencing, Counts One and Two of the Superseding Indictment will be dismissed pursuant to Rule 11(c)(1)(A) of the Federal Rules of Criminal Procedure.

4. The defendant has read the Superseding Indictment and the Information, discussed the charges and possible defenses with defense counsel, and understands the crimes charged.

Specifically, the elements of the offenses are as follows:

a) Count Three of the Superseding Indictment 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C): (1) The defendant, and one or more persons agreed to accomplish an unlawful plan; (2) the defendant knew the unlawful purpose of the plan and joined it; and, (3) the object of the unlawful plan was to possess with the intent to distribute Oxycodone, a Schedule II controlled substance.

b) Count Four of the Superseding Indictment 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): (1) The defendant, knowingly possessed Oxycodone, a Schedule II controlled substance; and, (2) the defendant intended to, and did distribute the Oxycodone, a Schedule II controlled substance.

c) Count One of the Information 18 U.S.C. § 1594(c): (1) The defendant, and one or more persons agreed to accomplish an unlawful plan; (2) the defendant knew the unlawful purpose of the plan and joined it; and, (3) the object of the unlawful plan was to compel through force, fraud, or coercion, a woman, identified by the initials K.C. in the Information, to engage in commercial sex acts.

5. In support of the defendant's guilty plea, the defendant agrees and stipulates to the following facts, which satisfy the offense elements. These are the facts submitted for purposes of

the defendant's guilty plea. They do not necessarily constitute all of the facts in the case. Other facts may be relevant to sentencing. Both the defendant and the United States retain the right to present additional facts to the Court to ensure a fair and appropriate sentence in this case.

In April 2013, the defendant contacted A.S., an adult female, and discussed taking Oxycodone prescription pain medication. Over the next several months, the defendant and A.S. spent time together using Oxycodone pills. During that time, the defendant told A.S. that he was once a pimp, and recruited A.S. to engage in commercial sex by telling her that she could make a lot of money working for him as an escort. The defendant knew that A.S. was addicted to Oxycodone, and knew that if A.S. did not regularly take Oxycodone that she would suffer painful physical symptoms associated with opiate withdrawal sickness. The defendant gave A.S. a pseudonym, Scarlett White, and created a website – www.missscarletwhite.com – in order to advertise A.S. as an escort providing commercial sex. The defendant also posted online advertisements for A.S. using internet websites such as www.backpage.com. The defendant, pretending to be Scarlett White, communicated with the potential commercial sex clients through text messaging on a cell phone, and arranged appointments for A.S. When A.S. engaged in a commercial sex act, she provided the money paid by the client to the defendant. Most of the commercial sex acts engaged in by A.S. took place in hotel rooms in and around Knoxville, Tennessee.

In order to keep A.S. from suffering from opiate withdrawal sickness, the defendant used a portion of the commercial sex proceeds to purchase Oxycodone from a woman identified by the initials T.W., an adult female living in Knoxville, Tennessee. From at least August through September 2013, the defendant travelled to T.W.'s home on several occasions and purchased Oxycodone. The defendant, in turn, provided some or all of the purchased Oxycodone to A.S.

In August 2013, K.C., an adult female, was living with T.W. The defendant and A.S. often saw K.C. at T.W.'s home when the defendant purchased Oxycodone. The defendant spoke with T.W. about K.C. also engaging in commercial sex by working for him as an escort. The defendant and T.W. encouraged K.C. to do so. T.W. told the defendant that she wanted a portion of the proceeds from K.C.'s commercial sex acts in return for encouraging K.C. to prostitute for the defendant. The defendant told K.C. that she would make a lot of money working for him. The defendant eventually recruited K.C. to work for him as an escort. At the time, the defendant knew that K.C., like A.S., was addicted to Oxycodone, and that she would suffer painful physical withdrawal symptoms if she did not take Oxycodone regularly. The defendant gave K.C. a pseudonym, Lilly Vaughn, and advertised K.C. for commercial sex in a similar manner as he did A.S.

The defendant used portions of the proceeds from K.C.'s commercial sex acts to purchase Oxycodone for K.C. On multiple occasions, K.C. told the defendant that she needed more Oxycodone than he was providing her in order to avoid withdrawal sickness. In response, the defendant withheld Oxycodone from K.C. until she engaged in further commercial sex acts.

In September 2013, K.C. sought to turn herself in to her probation officer after failing a drug test. The defendant told K.C. that he would not allow her to turn herself in because he wanted her to continue engaging in commercial sex acts. The defendant and K.C. argued over this issue, and the defendant used physical force against K.C. as means to keep her from turning herself in to the probation office. After that, when K.C. expressed any reservations about continuing to engage in commercial sex, the defendant threatened K.C. with both physical harm and withholding of Oxycodone.

On September 25, 2013, the defendant arranged an appointment for K.C. to meet with a client who, in reality, was an undercover law enforcement officer working with the Knox County Sheriff's Office. After K.C. entered the hotel room to meet the client, officers arrested K.C. and the defendant. At the time of his arrest, the defendant was found in possession of Oxycodone.

All of the above acts took place in and near Knoxville, Tennessee, in the Eastern District of Tennessee.

6. The defendant is pleading guilty because the defendant is in fact guilty.

The defendant understands that, by pleading guilty, the defendant is giving up several rights, including:

- a) the right to plead not guilty;
- b) the right to a speedy and public trial by jury;
- c) the right to assistance of counsel at trial;
- d) the right to be presumed innocent and to have the burden of proof placed on the United States to prove the defendant guilty beyond a reasonable doubt;
- e) the right to confront and cross-examine witnesses against the defendant;
- f) the right to testify on one's own behalf, to present evidence in opposition to the charges, and to compel the attendance of witnesses; and
- g) the right not to testify and to have that choice not used against the defendant.

7. Pursuant to Rule 11(c)(1)(C), the defendant and the United States agree that the appropriate disposition of this case would be the following:

- a) 10-year concurrent terms of imprisonment for each count to which the defendant is pleading guilty, to be followed by a 3-year term of supervised release;

- b) The 10-year terms for each count will be imposed concurrent to each other count, and concurrent to any sentences the defendant is currently serving at the time of sentencing.
- c) The Court will impose special assessment fees as required by law; and
- d) The Court may order forfeiture as applicable and restitution as appropriate.

8. The defendant understands and agrees that the Mandatory Victim Restitution Act, 18 U.S.C. § 3663A, applies and that the defendant shall be ordered to make restitution to the victims of his crimes. The defendant further understands and agrees that as a result of pleading guilty to violating 18 U.S.C. § 1594(c), an order of restitution is mandatory pursuant to 18 U.S.C. § 1593. Between the parties to this plea agreement, there is no agreement as to the amount of restitution. The defendant agrees that if an amount of restitution is not agreed upon within 90 days of sentencing, then the Court shall determine a restitution amount. The defendant agrees that restitution will be awarded to the following individuals identified by their initials, A.S. and K.C.

9. Financial Obligations. The defendant agrees to pay all fines and restitution imposed by the Court to the Clerk of Court. The defendant also agrees that the full fine and/or restitution amount(s) shall be considered due and payable immediately. If the defendant cannot pay the full amount immediately and is placed in custody or under the supervision of the Probation Office at any time, the defendant agrees that the Bureau of Prisons and the Probation Office will have the authority to establish payment schedules to ensure payment of the fine and/or restitution. The defendant further agrees to cooperate fully in efforts to collect any financial obligation imposed by the Court by set-off of federal payments, execution on non-exempt property, and any other means the United States deems appropriate. The defendant and his counsel also agree that the defendant may be contacted post-judgment regarding the collection of any financial obligation imposed by the

Court without notifying the defendant's counsel and outside the presence of the defendant's counsel. In order to facilitate the collection of financial obligations to be imposed with this prosecution, the defendant agrees to disclose fully all assets in which the defendant has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, nominee, or other third party. In furtherance of this agreement, the defendant additionally agrees to the following specific terms and conditions:

- a) If so requested by the United States, the defendant will promptly submit a completed financial statement to the U.S. Attorney's Office, in a form it provides and as it directs. The defendant promises that such financial statement and disclosures will be complete, accurate, and truthful.
- b) The defendant expressly authorizes the U.S. Attorney's Office to obtain a credit report on the defendant in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.
- c) If so requested by the United States, the defendant will promptly execute authorizations on forms provided by the U.S. Attorney's Office to permit the U.S. Attorney's Office to obtain financial and tax records of the defendant.

10. The defendant acknowledges that the principal benefits to the United States of a plea agreement include the conservation of limited government resources and bringing a certain end to the case. Accordingly, in consideration of the concessions made by the United States in this agreement and as a further demonstration of the defendant's acceptance of responsibility for the offenses committed, the defendant voluntarily, knowingly, and intentionally agrees to the following:

- a) The defendant will not file a direct appeal of the defendant's convictions or sentence.

- b) The defendant will not file any motions or pleadings pursuant to 28 U.S.C. § 2255 or otherwise collaterally attack the defendant's convictions or sentence, with two exceptions: The defendant retains the right to file a § 2255 motion as to (i) prosecutorial misconduct and (ii) ineffective assistance of counsel.
- c) The defendant will not, whether directly or by a representative, request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including, without limitation, any records that may be sought under the Freedom of Information Act, 5 U.S.C. Section 552, or the Privacy Act of 1974, 5 U.S.C. Section 552a.

11. This plea agreement becomes effective once it is signed by the parties and is not contingent on the defendant's entry of a guilty plea. If the United States violates the terms of this plea agreement, the defendant will have the right to withdraw from this agreement. If the defendant violates the terms of this plea agreement in any way (including but not limited to failing to enter a guilty plea as agreed herein, moving to withdraw his guilty plea after entry, or by violating any court order or any local, state or federal law pending the resolution of this case), then the United States will have the right to void any or all parts of the agreement and may also enforce whatever parts of the agreement it chooses. In addition, the United States may prosecute the defendant for any and all federal crimes that the defendant committed related to this case, including any charges that were dismissed and any other charges which the United States agreed not to pursue. The defendant expressly waives any statute of limitations defense and any constitutional or speedy trial or double jeopardy defense to such a prosecution. The defendant also understands that a violation of this plea

agreement by the defendant does not entitle the defendant to withdraw the defendant's guilty plea in this case.

12. The United States will file a supplement in this case, as required in every case by the Local Rules of the United States District Court for the Eastern District of Tennessee, even though there may or may not be any additional terms. If additional terms are included in the supplement, they are hereby fully incorporated herein.

13. This plea agreement and supplement constitute the full and complete agreement and understanding between the parties concerning the defendant's guilty plea to the above-referenced charges, and there are no other agreements, promises, undertakings, or understandings between the defendant and the United States. The parties understand and agree that the terms of this plea agreement can be modified only in writing signed by all of the parties and that any and all other promises, representations, and statements whether made before, contemporaneous with, or after this agreement, are null and void.

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VANITA GUPTA
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Civil Rights Division
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Date

By:

William E. Nolan
Civil Rights Division Trial Attorney

Date

Rose E. Gibson
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11/21/16

Date



Marcus Washington
Defendant

11/21/16

Date



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