



U.S. Department of Justice

Criminal Division

Fraud Section
1400 New York Avenue, NW
Washington, D.C. 20005

August 14, 2018

Richard Weinberg
Morvillo Abramowitz Grand Iason & Anello P.C.
565 Fifth Avenue
New York, New York 10017

Re: Supplement to Plea Agreement with Thomas Lekargerren

Dear Mr. Weinberg:

This letter sets forth a supplement to the plea agreement entered on the docket on December 18, 2013 ("Plea Agreement") between your client, Thomas Lekargerren, and the United States Department of Justice, Criminal Division, Fraud Section and United States Attorney's Office for the District of New Jersey ("Government").

By this supplement, the Plea Agreement is modified in two respects. First, a new "Schedule A," to replace the original "Schedule A," is attached to this agreement, reflecting the following modifications: Paragraph 3 of the Schedule A, at pages 7-8 of the Plea Agreement is modified to indicate that the applicable loss amount under the Sentencing Guidelines is between \$15,000 and \$40,000. U.S.S.G. § 2B1.1(b)(1)(C). Paragraphs 8 and 9 of the Schedule A are modified to indicate that the appropriate Sentencing Guidelines offense level is 13.

Second, the government commits that it will not seek or advocate for a sentence of more than eighteen (18) months of incarceration.

This supplement modifies only the aspects of the Plea Agreement listed above, and sets forth no additional commitments beyond those articulated here. This supplement supersedes any previous agreements between the Government and Thomas Lekargerren, but leaves unmodified all parts of the Plea Agreement and other agreements not explicitly modified by this supplement. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

Very truly yours,

SANDRA MOSER
Acting Chief, Fraud Section
Criminal Division


CRAIG CARPENITO
United States Attorney
District of New Jersey

By: GARY A. WINTERS
Trial Attorney
JUSTIN D. WEITZ
Assistant Chief

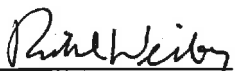
By: PAUL MURPHY
Chief
Economic Crimes Unit
District of New Jersey

I have received this letter from my attorney, Richard Weinberg, Esq. and I have read it. My attorney and I have discussed it and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver and immigration consequences. I understand this letter fully. I hereby accept its terms and conditions and acknowledge that it constitutes the plea agreement between the parties. I understand that no additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties. I want to plead guilty pursuant to this plea agreement.

AGREED AND ACCEPTED:

 _____ Date: 10/8/18
Thomas Lekargeren

I have discussed with my client this supplement to the plea agreement and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver and immigration consequences.

 _____ Date: 10/8/2018
Richard Weinberg, Esq.

Plea Agreement With Thomas Lekargereren

Schedule A

1. The Government and Thomas Lekargereren recognize that the United States Sentencing Guidelines are not binding upon the Court. The Government and Thomas Lekargereren nevertheless agree to the stipulations set forth herein.

2. The version of the United States Sentencing Guidelines effective at the time of sentencing applies in this case, unless use of that manual would violate the ex post facto clause of the United States Constitution. See USSG 1B1.11. The applicable guideline is U.S.S.G. § 2B1.1. This guideline carries a Base Offense Level of 6.

3. Specific Offense Characteristic U.S.S.G. § 2B1.1(b)(1)(C) applies because the offense involved more than \$15,000 but less than \$40,000 in losses. This Specific Offense Characteristic results in an increase of 4 levels.

4. U.S.S.G. § 2B1.1(b)(10) applies because a substantial part of the fraudulent scheme was committed from outside the United States or the offense involved sophisticated means. This Specific Offense Characteristic results in an increase of 2 levels.

5. U.S.S.G. § 2B1.1(b)(18) applies because the offense involves a violation of securities law and, at the time of the offense, the defendant was a registered broker or dealer or a person associated with a broker or dealer. This Specific Offense Characteristic results in an increase of 4 levels.

6. As of the date of this letter, Thomas Lekargereren has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for the offense charged. Therefore, a downward adjustment of 2 levels for acceptance of responsibility is appropriate if Thomas Lekargereren's acceptance of responsibility continues through the date of sentencing. See U.S.S.G. § 3E1.1(a).

7. As of the date of this letter, Thomas Lekargereren 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. At sentencing, the Government will move for a further 1-point reduction in Thomas Lekargereren's offense level pursuant to U.S.S.G. § 3E1.1(b) if the following conditions are met: (a) Thomas Lekargereren enters a plea pursuant to this agreement, (b) the Government in its discretion determines that Thomas Lekargereren's acceptance of responsibility has continued through the date of sentencing and Thomas Lekargereren

therefore qualifies for a 2-point reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a), and (c) Thomas Lekargerren's offense level under the Guidelines prior to the operation of § 3E1.1(a) is 16 or greater.

8. In accordance with the above, the parties agree that the total Guidelines offense level applicable to Thomas Lekargerren is 13 (the "agreed total Guidelines offense level").

9. Thomas Lekargerren knows that he has and, except as noted below in this paragraph, voluntarily waives, the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255, which challenges the sentence imposed by the sentencing court if that sentence falls within or below the Guidelines range that results from the agreed total Guidelines offense level of 13. The Government will not file any appeal, motion, or writ which challenges the sentence imposed by the sentencing court if that sentence falls within or above the Guidelines range that results from the agreed total Guidelines offense level of 13. The parties reserve any right they may have under 18 U.S.C. § 3742 to appeal the sentencing court's determination of the criminal history category. The provisions of this paragraph are binding on the parties even if the Court employs a Guidelines analysis different from that stipulated to herein. Furthermore, if the sentencing court accepts a stipulation, both parties waive the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing court erred in doing so.

10. Both parties reserve the right to oppose or move to dismiss any appeal, collateral attack, writ, or motion barred by the preceding paragraph and to file or to oppose any appeal, collateral attack, writ or motion not barred by the preceding paragraph.