



**U.S. Department of Justice**

*United States Attorney  
District of New Jersey*

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Newark, NJ 07102

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OJB/PL AGR

June 21, 2017

John J. Roberts, Esquire  
Arseneault & Fassett, LLP  
Office 560 Main Street  
Chatham, New Jersey 07928

Re: Plea Agreement with Justin Carnegie

Dear Mr. Roberts:

This letter sets forth the plea agreement between your client, Justin Carnegie ("Carnegie"), and the United States Attorney for the District of New Jersey ("this Office"). This Office's offer to enter into this plea agreement will expire if a signed copy of this plea agreement is not received by this Office on or before 6:00 p.m. on Friday, June 23, 2017.

Charges

Conditioned on the understandings specified below, pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, this Office will accept a guilty plea from Carnegie to Count One, Count Thirteen, Count Fourteen, Count Eighteen, and Count Twenty of the Sixth Superseding Indictment in *United States v. Corey Hamlet et al.*, Crim. No. 14-220 (MCA).

Count One of the Sixth Superseding Indictment charges that, between in or about 2003 and in or about November 2016, Carnegie, as a member of the NJ Grape Street Crips, knowingly and intentionally conspired and agreed with others to violate the Racketeer Influenced and Corrupt Organizations Act ("RICO") by conducting and participating, directly and indirectly, in the conduct of the affairs of the New Jersey set of the Grape Street Crips through a pattern of racketeering activity, in violation of Title 18, United States Code, Section 1962(d).

Count Thirteen of the Sixth Superseding Indictment charges that, on or about October 7, 2013, Carnegie, as a member of the NJ Grape Street Crips, knowingly and purposely conspired to assault another with a dangerous weapon, contrary to N.J.S.A. 2C:12-1(b)(2) and 2C:5-2, in violation of Title 18, United States Code, Sections 1959(a)(6).

Count Fourteen of the Sixth Superseding Indictment charges that, on or about October 7, 2013, Carnegie knowingly and intentionally conspired with others to possess a firearm during and in relation to a crime of violence, in violation of Title 18, United States Code, Section 924(o).

Count Eighteen of the Sixth Superseding Indictment charges that, between in or about May 2013 and in or about May 2015, Carnegie knowingly and intentionally conspired and agreed with others to distribute and possess with intent to distribute 280 grams or more of a mixture and substance containing a detectable amount of cocaine base (crack cocaine), contrary to Title 21, United States Code, Section 841(a)(1) and (b)(1)(A), in violation of Title 21 United States Code, Section 846. On March 10, 2017, the Government filed an Enhanced Penalty Information, pursuant to Title 21, United States Code, Section 851(a), providing notice of the Government's reliance on one of Carnegie's prior felony convictions to trigger the enhanced penalties set forth in Title 21, United States Code, Sections 841(a)(1) and 841(b)(1), with respect to Count Eighteen.

Count Twenty of the Sixth Superseding Indictment charges that, between in or about July 2013 and May 2015, Carnegie knowingly and intentionally conspired and agreed with others to distribute and possess with intent to distribute one kilogram or more of a mixture and substance containing a detectable amount of heroin, contrary to Title 21, United States Code, Section 841(a)(1) and (b)(1)(A), in violation of Title 21 United States Code, Section 846. On March 10, 2017, the Government filed an Enhanced Penalty Information, pursuant to Title 21, United States Code, Section 851(a), providing notice of the Government's reliance on one of Carnegie's prior felony convictions to trigger the enhanced penalties set forth in Title 21, United States Code, Sections 841(a)(1) and 841(b)(1), with respect to Count Twenty.

If Carnegie enters a guilty plea and is sentenced on these charges, and otherwise fully complies with all of the terms of this agreement, then this Office will not initiate any further criminal charges against Carnegie for the conduct set forth in the Sixth Superseding Indictment pending in *United States v. Corey Hamlet et al.*, Crim. No. 14-220 (MCA), including the conduct set forth in the Government's discovery letters of December 16, 2016, March 8, 2017, and May 16, 2017. However, in the event that a guilty plea in this matter is not entered for any reason or the judgment of conviction entered as a result of

this guilty plea does not remain in full force and effect, Carnegie agrees that any dismissed charges and any other charges that are not time-barred by the applicable statute of limitations on the date this agreement is signed by Carnegie may be commenced against him, notwithstanding the expiration of the limitations period after Carnegie signs the agreement.

Should the Court at any time reject this plea under Federal Rule of Criminal Procedure 11(c)(1)(C) or act contrary to its terms, either party may elect to be relieved of the terms of this plea and the parties will be returned to the status prior to the entry of the plea. This Office will advise the Court and the United States Probation Department of information related to sentencing, and such information may be used by the Court in determining Carnegie's sentence.

### Sentencing

The violation of Title 18, United States Code, Section 1962(d), set forth in Count One carries a statutory maximum prison sentence of life, and a statutory maximum fine equal to the greatest of: (1) \$250,000, or (2) twice the gross amount of any pecuniary gain that any persons derived from the offense, or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense.

The violation of Title 18, United States Code, Sections 1959(a)(6), set forth in Count Thirteen carries a statutory maximum prison sentence of three (3) years, and a statutory maximum fine equal to the greatest of: (1) \$250,000, or (2) twice the gross amount of any pecuniary gain that any persons derived from the offense, or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense.

The violation of Title 18, United States Code, Section 924(o), set forth in Count Fourteen carries a statutory maximum prison sentence of twenty (20) years, and a statutory maximum fine equal to the greatest of: (1) \$250,000, or (2) twice the gross amount of any pecuniary gain that any persons derived from the offense, or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense.

The violation of Title 21, United States Code, Section 846, set forth in Count Eighteen carries a statutory mandatory minimum prison sentence of twenty (20) years, a statutory maximum prison sentence of life, and a statutory maximum fine equal to the greatest of: (1) \$20,000,000, or (2) twice the gross profits or other proceeds to Carnegie. Fines imposed by the sentencing judge may be subject to the payment of interest.

The violation of Title 21, United States Code, Section 846, set forth in Count Twenty carries a statutory mandatory minimum prison sentence of twenty (20) years, a statutory maximum prison sentence of life, and a statutory maximum fine equal to the greatest of: (1) \$20,000,000, or (2) twice the gross profits or other proceeds to Carnegie. Fines imposed by the sentencing judge may be subject to the payment of interest.

Fines imposed by the sentencing judge may be subject to the payment of interest. The sentencing judge may impose the sentence for each count consecutive to every other count.

Further, in addition to imposing any other penalty on Carnegie, the sentencing judge: (1) will order Carnegie to pay an assessment of \$100 per count (\$500 total) pursuant to 18 U.S.C. § 3013, which assessment must be paid by the date of sentencing; (2) may order Carnegie to pay restitution pursuant to 18 U.S.C. § 3663 et seq.; (3) may deny Carnegie certain statutorily defined benefits, pursuant to 21 U.S.C. §§ 862 and 862a; and (4) must order forfeiture, pursuant to 18 U.S.C. § 1963(a) and 21 U.S.C. § 853.

Pursuant to 18 U.S.C. § 3583, the sentencing judge may, with respect to the offense charged in Count One of the Information, require Carnegie to serve a term of supervised release of up to five (5) years. Should Carnegie be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, Carnegie may be sentenced to not more than five (5) years' imprisonment in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

Pursuant to 18 U.S.C. § 3583, the sentencing judge may, with respect to the offense charged in Count Thirteen of the Information, require Carnegie to serve a term of supervised release of not more than (1) year. Should Carnegie be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, Carnegie may be sentenced to not more than one (1) year's imprisonment in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

Pursuant to 18 U.S.C. § 3583, the sentencing judge may, with respect to the offense charged in Count Fourteen of the Information, require Carnegie to serve a term of supervised release of up to three (3) years. Should Carnegie be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, Carnegie may be sentenced to not more than three (3) years' imprisonment in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

Pursuant to 21 U.S.C. § 841, the sentencing judge must, with respect to the offense charged in Count Eighteen of the Information, require Carnegie to serve a term of supervised release of at least ten (10) years, which will begin at the expiration of any term of imprisonment imposed. Should Carnegie be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, Carnegie may be sentenced to not more than ten (10) years' imprisonment in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

Pursuant to 21 U.S.C. § 841, the sentencing judge must, with respect to the offense charged in Count Twenty of the Information, require Carnegie to serve a term of supervised release of at least ten (10) years, which will begin at the expiration of any term of imprisonment imposed. Should Carnegie be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, Carnegie may be sentenced to not more than ten (10) years' imprisonment in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

This Office and Carnegie agree that, pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the sentence to be imposed on Carnegie should be as follows: (i) with respect to Count One, a prison sentence of twenty-five (25) years, and a term of supervised release of five (5) years; (ii) with respect to Count Thirteen, a prison sentence of three (3) years, and no term of supervised release; (iii) with respect to Count Fourteen, a prison sentence of twenty (20) years, and a term of supervised release of three (3) years; (iv) with respect to Count Eighteen, a prison sentence of twenty-five (25) years, and a term of supervised release of ten (10) years; (v) with respect to

Count Twenty, a prison sentence of twenty-five (25) years, and a term of supervised release of ten (10) years; (vi) a special assessment of \$500 (\$100 per count), with the sentences on all counts running concurrent to each other. In short, pursuant to Rule 11(c)(1)(C), this Office and Carnegie agree to an overall prison sentence of twenty-five (25) years, an overall sentence of supervised release of ten (10) years, and a special assessment of \$500. Pursuant to Rule 11(c)(1)(C), this Office and Carnegie agree that no other sentence or fine is appropriate, beside those set forth in this paragraph. If the Court accepts this plea agreement, then Carnegie must be sentenced accordingly.

#### Rights of This Office Regarding Sentencing

Except as otherwise provided in this agreement, this Office reserves its right to take any position with respect to the appropriate sentence to be imposed on Carnegie by the sentencing judge, to correct any misstatements relating to the sentencing proceedings, and to provide the sentencing judge and the United States Probation Office all law and Superseding Information relevant to sentencing, favorable or otherwise. In addition, this Office may inform the sentencing judge and the United States Probation Office of: (1) this agreement; and (2) the full nature and extent of Carnegie's activities and relevant conduct with respect to this case.

#### Stipulations

This Office and Carnegie agree to stipulate at sentencing to the statements set forth in the attached Schedule A, including that the appropriate sentence to be imposed is a stipulated prison term of twenty-five (25) years, regardless of the advisory range under the United States Sentencing Guidelines. The parties agree that a sentence at the stipulated prison term of twenty-five (25) years is appropriate taking into account all of the factors under 18 U.S.C. § 3553(a), including the advisory Guidelines range determined by the Court. This agreement to stipulate, however, cannot and does not bind the sentencing judge, who may make independent factual findings and may reject any or all of the stipulations entered into by the parties. While the Court is not bound by the parties' stipulations, the Court is bound to sentence Carnegie to a stipulated prison term of twenty-five (25) years under Federal Rule of Criminal Procedure 11(c)(1)(C), if the Court accepts the plea.

#### Waiver of Appeal and Post-Sentencing Rights

Carnegie knowingly and 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 conviction or sentence imposed by the Court if the

plea is accepted and the sentence is in accordance with the terms of this agreement.

This Office will not file any appeal, motion or writ which challenges the conviction or sentence imposed by the Court if that sentence is in accordance with the terms of this agreement, and includes a period of incarceration of twenty-five (25) years. Furthermore, if the Court accepts the terms of this plea agreement, both parties waive the right to file an appeal, collateral attack, writ, or motion claiming that the Court erred in doing so.

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

#### Immigration Consequences

Carnegie understands that, if he is not a citizen of the United States, his guilty plea to the charged offenses will likely result in his being subject to immigration proceedings and removed from the United States by making him deportable, excludable, or inadmissible, or ending his naturalization. Carnegie understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. Carnegie wants and agrees to plead guilty to the charged offenses regardless of any immigration consequences of this plea, even if this plea will cause his removal from the United States. Carnegie understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, Carnegie waives any and all challenges to his guilty plea and to his sentence based on any immigration consequences, and agrees not to seek to withdraw his guilty plea, or to file a direct appeal or any kind of collateral attack challenging his guilty plea, conviction, or sentence, based on any immigration consequences of his guilty plea.

#### Other Provisions

This agreement is limited to the United States Attorney's Office for the District of New Jersey and cannot bind other federal, state, or local authorities. However, this Office will bring this agreement to the attention of other prosecuting offices, if requested to do so.

This agreement was reached without regard to any civil or administrative matters that may be pending or commenced in the future against Carnegie. This agreement does not prohibit the United States, any

agency thereof (including the Internal Revenue Service and Immigration and Customs Enforcement) or any third party from initiating or prosecuting any civil or administrative proceeding against Carnegie.

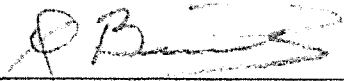
No provision of this agreement shall preclude Carnegie from pursuing in an appropriate forum, when permitted by law, an appeal, collateral attack, writ, or motion claiming that Carnegie received constitutionally ineffective assistance of counsel.

No Other Promises


This agreement constitutes the plea agreement between Carnegie and this Office and supersedes any previous agreements between them. 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,

WILLIAM E. FITZPATRICK  
Acting United States Attorney

By:   
OSMAR J. BENVENUTO  
BARRY A. KAMAR  
Assistant United States Attorneys

APPROVED:

  
THOMAS J. EICHER  
Chief, Criminal Division




I have received this letter from my attorney, John J. Roberts, Esq. I have read it. My attorney and I have discussed it and all of its provisions, including those addressing the charges, sentencing, stipulations, waiver, forfeiture, and immigration consequences, as well as the impact Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure has upon this agreement. 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:

  
\_\_\_\_\_  
JUSTIN CARNEGHE

Date: 6/21/17

I have discussed with my client this plea agreement and all of its provisions, including those addressing the charges, sentencing, stipulations, waiver, forfeiture, and immigration consequences, as well as the impact Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure has upon this agreement. My client understands this plea agreement fully and wants to plead guilty pursuant to it.

  
\_\_\_\_\_  
JOHN J. ROBERTS, ESQ.

Date: 6/21/17.

Plea Agreement With Justin Carnegie ("Carnegie")

Schedule A

Factual Stipulations

1. This Office and Carnegie agree to stipulate to the following facts:

a. From in or about May 2013 through in or about November 2016, Carnegie conspired with others to distribute more than more than one kilogram of heroin and more than 280 grams of crack-cocaine.

b. On or about October 7, 2013, Carnegie and others participated in the attempted shooting of rival gang-members in retaliation for the then recent-murder of a fellow-gang-member.

c. Carnegie's distribution of heroin and crack-cocaine was in furtherance of, and facilitated by, the New Jersey set of the Grape Street Crips, an enterprise, as defined in Title 18, United States Code, Section 1961(4) (the "NJ Grape Street Crips").

d. As a member of the NJ Grape Street Crips, Carnegie agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

Rule 11(c)(1)(C)

2. In accordance with the above, and pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the parties agree that the following sentence is reasonable taking into account all of the factors under 18 U.S.C. § 3553(a): (i) with respect to Count One, a prison sentence of twenty-five (25) years, and a term of supervised release of five (5) years; (ii) with respect to Count Thirteen, a prison sentence of three (3) years, and no term of supervised release; (iii) with respect to Count Fourteen, a prison sentence of twenty (20) years, and a term of supervised release of three (3) years; (iv) with respect to Count Eighteen, a prison sentence of twenty-five (25) years, and a term of supervised release of ten (10) years; (v) with respect to Count Twenty, a prison sentence of twenty-five (25) years, and a term of supervised release of ten (10) years; (vi) a special assessment of \$500 (\$100 per count), with the sentences on all counts running concurrent to reach other (the "Stipulated Sentence"). The parties further agree that neither party will argue for a sentence above or below the Stipulated Sentence. Furthermore, should the Court reject this agreement, either party may elect to be relieved of the terms of this plea, and the parties will be returned to the status prior to entry of the plea.

3. If the sentencing court sentences Carnegie to a term of imprisonment within the Stipulated Sentence, both parties waive the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing court erred in doing so. Otherwise, both parties reserve the right to file, oppose, or take any position in any appeal, collateral attack, or proceeding involving post-sentencing motions or writs.