

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

SEP - 8 2015

BY DAVID J. MALAND, CLERK
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA §
 § No. 4:14-CR-195
v. §
 §
GEORGE E. GREEN §

PLEA AGREEMENT

The defendant, **GEORGE E. GREEN**, the defendant's attorney, **Robert Arrambide**, and the United States Attorney for the Eastern District of Texas, and the United States Department of Justice, Criminal Division, Fraud Section (collectively, the "Government") agree to the following, pursuant to **Federal Rule of Criminal Procedure 11(c)(1)(C)**:

1. **RIGHTS OF THE DEFENDANT:** The defendant understands that accused individuals have the following rights, among others:

- a. to plead not guilty;
- b. to have a trial by jury;
- c. to have guilt proved beyond a reasonable doubt;
- d. to confront and cross-examine witnesses and to call witnesses in defense; and
- e. to not be compelled to testify against oneself.

2. **WAIVER OF RIGHTS AND PLEA OF GUILTY:** The defendant waives these rights and agrees to enter a plea of guilty to Count Three of the indictment, which charges a violation of 18 U.S.C. § 666(a)(1)(B), and Count Four of the indictment, which charges

a violation of 18 U.S.C. § 371. The defendant understands the nature and elements of the crimes to which guilt is admitted and agrees that the Factual Basis the defendant has signed is true and will be submitted as evidence.

3. **SENTENCE:** The maximum penalties the Court can impose include:

Count Three (18 U.S.C. § 666(a)(1)(B))

- a. imprisonment for a period not to exceed ten years;
- b. a fine not to exceed \$250,000, or twice any pecuniary gain to the defendant or loss to the victim(s);
- c. a term of supervised release of not more than 3 years, which may be mandatory under the law and will follow any term of imprisonment. If the defendant violates the conditions of supervised release, the consequence could be imprisonment for the entire term of supervised release;
- d. a mandatory special assessment of \$100.00, which must be paid by cashier's check or money order to the United States District Clerk before sentencing;
- e. forfeiture of property involved or traceable to the criminal offense;
- f. restitution to victims or to the community; and
- g. costs of incarceration and supervision.

Count Four (18 U.S.C. § 371)

- h. imprisonment for a period not to exceed five years;
- i. a fine not to exceed \$250,000, or twice any pecuniary gain to the defendant or loss to the victim(s);
- j. a term of supervised release of not more than 3 years, which may be mandatory under the law and will follow any term of imprisonment. If the defendant violates the conditions of supervised release, the

- consequence could be imprisonment for the entire term of supervised release;
- k. a mandatory special assessment of \$100.00, which must be paid by cashier's check or money order to the United States District Clerk before sentencing; and
- l. costs of incarceration and supervision.

4. **AGREEMENT PURSUANT TO FED. R. CRIM. P. 11(c)(1)(C):** The parties agree, pursuant to **Federal Rule of Criminal Procedure 11(c)(1)(C)**, that the following stipulations yield the appropriate sentence and disposition in this case:

- a. The defendant will be sentenced to a term of imprisonment of 37 months.
- b. The defendant will be sentenced to a term of supervised release of 3 years.
- c. The defendant will pay the mandatory special assessment of \$100.00 for each of Counts Three and Four (totaling \$200.00), at or prior to the sentencing hearing.
- d. The defendant will pay any restitution as ordered by the Court, as set forth in paragraph 5 of this agreement.
- e. The defendant will forfeit property as set forth in paragraph 6 of this agreement.

In agreeing to the foregoing stipulations as to the appropriate sentence and disposition in this case, the parties further stipulate and agree that the applicable U.S. Sentencing Guidelines ("U.S.S.G.") range in this case would be calculated as follows:

Count Three (18 U.S.C. § 666(a)(1)(B))

- f. The base offense level pursuant to U.S.S.G. § 2C1.1 would be 12.
- g. The following specific offense characteristic(s) in U.S.S.G. § 2C1.1 would apply:

- (1) § 2C1.1(b)(1): If the offense involved more than one bribe, increase by 2 levels;
- (2) § 2C1.1(b)(2) (by cross-reference to 2B1.1(b)(1)): If the value of the payment or benefit received or to be obtained is more than \$40,000 but less than \$95,000, increase by 6 levels.

h. **Total Offense Level (Count Three): 20 (33-41 months)**

Count Four (18 U.S.C. § 371)

- i. The base offense level pursuant to U.S.S.G. § 2X1.1 (by cross-reference to § 2S1.3(a)(2) and the loss table in § 2B1.1) would be 12 (6 plus 6 (the value of the funds being more than \$40,000 but less than \$95,000)).
- j. The following specific offense characteristic(s) in U.S.S.G. § 2S1.3(b)(1) would apply: If the defendant knew that funds were proceeds of unlawful activity, increase by 2 levels.
- k. **Total Offense Level (Count Three): 14 (15-21 months)**

U.S.S.G. Chapter 3 Adjustments

- l. **Grouping:** Under U.S.S.G. § 3D1.4, 1 Unit would apply for Count Three (solicitation of bribes in connection with a program receiving federal funds), the Group with the highest offense level. One-half Unit would apply for Count Four (conspiracy), the Group with an offense level 5-8 levels less serious than Count Three. Accordingly, the total number of Units would be 1½, resulting in an increase of 1 level to the offense with the highest level (Count Three).
- m. **Obstruction:** The adjustment of U.S.S.G. § 3C1.1 (Obstructing or Impeding the Administration of Justice) would apply with respect to the investigation of the instant offense of conviction, resulting in an increase of 2 levels.
- n. **Acceptance:** A reduction of 2 levels for acceptance of responsibility under U.S.S.G. § 3E1.1 would apply; however, this stipulation would be

subject to recommendation of the United States Probation Office. **If circumstances indicating that the defendant has not accepted responsibility became known after execution of this agreement, this stipulation would be void and the defendant may object to the failure of the presentence report to recommend the reduction.**

Total Offense Level

- o. Applying the adjustments above, for Counts Three and Four, the Total Offense Level would be 21 (37-46 months).**

The parties understand that the Court may decline to accept this agreement. If the Court does not accept the agreement, the defendant will be given the opportunity to withdraw from the plea.

5. **RESTITUTION:** The defendant understands that restitution may be ordered by the Court. The defendant agrees that restitution in this case is not limited to the offense of conviction and may include restitution for all losses caused by the defendant's criminal conduct, even if such losses resulted from crimes not charged or admitted by the defendant in the factual statement. The defendant waives any defense or objection to any action to enforce the collection of the financial obligations to be imposed in connection with this prosecution, including, but not limited to, all collection procedures authorized by 28 U.S.C. § 3001, 18 U.S.C. § 3664(j)(2), or 18 U.S.C. § 3613(f).

6. **FORFEITURE:** The defendant agrees to forfeit to the United States voluntarily and immediately all of the defendant's right, title, and interest to the following property which is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c): a money judgment in favor of the United States of America in an amount equal to **\$51,000** and all interest and proceeds traceable thereto. The defendant

acknowledges that such sum in aggregate is property constituting or derived from proceeds obtained directly or indirectly as the result of the offenses described in this plea agreement.

The defendant agrees that the above described property is subject to forfeiture to the government pursuant to the aforementioned statute. The defendant agrees to fully assist the government in the forfeiture of the listed property and to take whatever steps are necessary to pass clear title to the United States, including but not limited to surrender of title and execution of any documents necessary to transfer the defendant's interest in any of the above property to the United States, and take whatever steps are necessary to ensure that assets subject to forfeiture are not sold, disbursed, wasted, hidden, or otherwise made unavailable for forfeiture. The defendant agrees not to file a claim to the listed property in any civil proceeding, administrative or judicial, which may be initiated. The defendant agrees to waive the right to notice of any forfeiture proceeding involving the above described property, and agrees not to file a claim or assist others in filing a claim in that forfeiture proceeding. The defendant knowingly and voluntarily waives the right to a jury trial on the forfeiture of assets. The defendant knowingly and voluntarily waives all constitutional, legal, and equitable defenses to the forfeiture of these assets in any proceeding. The defendant agrees to waive any claim or defense under the Eighth Amendment to the Constitution, including any claim of excessive fine, to the forfeiture of assets by the United States or its subdivisions. Forfeiture of the defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty this Court may impose upon the defendant in addition to the forfeiture. The

defendant waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment.

The defendant and defendant's attorney also understand that the Government may file motions for preliminary and final orders of forfeiture regarding the property described herein. The defendant and defendant's attorney agree that the Government may file these motions unopposed and may state in the certificates of conference for these motions that the defendant has no objection to the relief sought without having to further contact the defendant or defendant's attorney.

7. **GOVERNMENT'S AGREEMENT:** The Government agrees not to prosecute the defendant for any additional non-tax related criminal charges based upon the conduct underlying and related to the defendant's plea of guilty. The Government further agrees that it will take no position with respect to the defendant's release or detention pending sentencing, other than with respect to the conditions of release. After sentencing, the Government will dismiss any remaining criminal charges against this defendant.

8. **VIOLATION OF AGREEMENT:**

a. The defendant understands that upon violation of any provision of this agreement or any Court order or rule, or if the guilty plea pursuant to this agreement is vacated or withdrawn, the Government will be free from its obligations under this agreement and may prosecute the defendant for all offenses of which it has knowledge. In such event, the defendant waives any objections based upon delay in prosecution.

b. Defendant agrees that if he fails to comply with any of the provisions of this agreement, including the failure to tender such agreement to the Court, makes false or misleading statements before the Court or to any agents of the United States, commits any further crimes, or attempts to withdraw the plea (prior to or after pleading guilty to the charges identified above) for any reason other than as expressly set forth in paragraph 4 of this agreement, or violates conditions of the defendant's release (if he is released pending sentence), or otherwise fails to fully comply with any of the terms of this agreement, the Government will have the right to characterize such conduct as a breach of this agreement. In the event of such a breach: (i) the Government will be free from its obligations under the agreement and further may take whatever position it believes appropriate as to the sentence and the conditions of the defendant's release; (ii) the defendant will not have the right to withdraw the guilty plea (for any reason other than as expressly set forth in paragraph 4 of this agreement); (iii) the defendant shall be fully subject to criminal prosecution for any other crimes which he has committed or might commit, if any, including perjury and obstruction of justice; and (iv) the defendant waives any protections afforded by Rule 11(f) of the Federal Rules of Criminal Procedure and Rule 410 of the Federal Rules of Evidence, and the Government will be free to use against the defendant, directly and indirectly, in any criminal or civil proceeding any of the information, statements, and materials provided by him pursuant to this agreement, including offering into evidence or otherwise using the Factual Basis filed with this agreement.

9. **VOLUNTARY PLEA:** This plea of guilty is freely and voluntarily made and is not the result of force, threats, or promises other than those set forth in this agreement.

10. **WAIVER OF RIGHT TO APPEAL OR OTHERWISE CHALLENGE SENTENCE:** Except as otherwise provided in this paragraph, the defendant waives the right to appeal the conviction, sentence, fine, order of restitution, or order of forfeiture in this case on all grounds. The defendant further agrees not to contest the conviction, sentence, fine, order of restitution, or order of forfeiture in any post-conviction proceeding, including, but not limited to, a proceeding under 28 U.S.C. § 2255. The defendant, however, reserves the right to appeal any punishment imposed in excess of the statutory maximum. The defendant also reserves the right to appeal or seek collateral review of a claim of ineffective assistance of counsel.

11. **WAIVER OF RIGHT TO RECORDS:** The defendant hereby waives all rights, whether asserted directly or by a representative, to 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. § 552, or the Privacy Act, 5 U.S.C. § 552a.

12. **REPRESENTATION OF COUNSEL:** The defendant has thoroughly reviewed all legal and factual aspects of this case with defense counsel and is fully satisfied with defense counsel's legal representation. The defendant has received satisfactory explanations from defense counsel concerning each paragraph of this plea agreement, each of the defendant's rights affected thereby, and the alternatives to entering a guilty

plea. After conferring with counsel, the defendant concedes guilt and has concluded that it is in the defendant's best interest to enter this agreement rather than proceeding to trial.

13. **LIMITATIONS ON THIS AGREEMENT:** This agreement is only binding on the United States Attorney's Office for the Eastern District of Texas and the United States Department of Justice, Criminal Division, Fraud Section, and does not bind any other federal, state, or local prosecuting authority. Nothing in this agreement shall be construed to release the defendant from possible related or consequential civil liability to any individual, legal entity, or the United States.

14. **ENTIRETY OF AGREEMENT:** This Plea Agreement consists of this document and the sealed addendum required by Local Rule CR-49. References in this document to "agreement" or "Plea Agreement" refer to both this document and the sealed addendum. The defendant, the defendant's attorney, and the Government acknowledge that this agreement is a complete statement of the parties' agreement in this case. It supersedes all other plea agreements and may not be modified unless the modification is in writing and signed by all parties. No other promises have been made or implied.

Respectfully submitted,

JOHN M. BALES
UNITED STATES ATTORNEY

Dated: _____

9/6/15

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ANDREW WEISSMANN

Chief
Fraud Section, Criminal Division
U.S. Department of Justice

By: _____

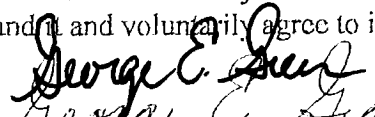
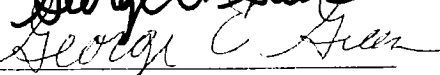
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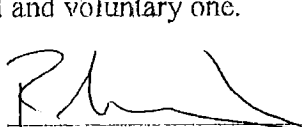
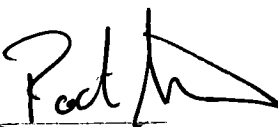
I have read or had read to me this plea agreement and have carefully reviewed every part of it with my attorney. I fully understand it and voluntarily agree to it.

Dated: 05 SEP 2015



GEORGE E. GREEN
Defendant

I am counsel for the defendant. I have carefully reviewed every part of this plea agreement with the defendant. To my knowledge and belief, my client's decision to enter into this plea agreement is an informed and voluntary one.

Dated: 5 Sep 15



ROBERT ARRAMBIDE
Attorney for Defendant