UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 14-20160-Cr-GAYLES

UNITED STATES OF AMERICA

v.

ENRIQUE ANGULO,

Defendant.
_____/

PLEA AGREEMENT

The United States of America and **ENRIQUE ANGULO** (hereinafter referred to as the "defendant"), enter into the following agreement in the above-captioned case pursuant to Rule 11(c)(1)(A) & (B) of the Federal Rules of Criminal Procedure:

1. The defendant agrees to plead guilty to Count 1 of the Indictment. Count 1 of the Indictment charges the defendant with conspiracy to commit bank fraud and wire fraud affecting a financial institution, in violation of Title 18, United States Code, Section 1349.

2. The United States will dismiss Counts 9, 10, 11, 12, 13, 14, and 15 of the Indictment as to the defendant after sentencing.

3. The defendant agrees that the Statement of Offense filed with this plea establishes his guilt of the offense charged beyond a reasonable doubt. The Statement of Offense, which is hereby incorporated into this plea agreement, constitutes a stipulation of facts for purposes of Section 1B1.2(a) of the Sentencing Guidelines.

4. The defendant is aware that the sentence will be imposed by the Court after

considering the Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant also is aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

5. The defendant also understands and acknowledges that the Court may impose a statutory maximum term of imprisonment of up to thirty (30) years followed by a term of supervised release of up to five (5) years. In addition to a term of imprisonment and supervised release, the Court may impose a fine of up to $1,000,000 and must order restitution. Alternatively, if the Court determines that any person derived pecuniary gain from the offense, or that the offense resulted in pecuniary loss to a person other than the defendant, the Court may

fine the defendant not more than the greater of twice the gross gain or twice the gross loss. The defendant agrees that he will make restitution at least in the amount of $2,212,167.94.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 4 of this agreement, a special assessment in the amount of $100 will be imposed on the defendant. The defendant agrees that any special assessment imposed shall be paid at the time of sentencing.

7. The Office of the United States Attorney for the Southern District of Florida and Fraud Section, Criminal Division, U.S. Department of Justice (hereinafter the "Offices") reserve the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and/or the defendant's background. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this agreement, the Offices further reserve the right to make any recommendation as to the quality and/or quantity of punishment.

8. The United States agrees that it will recommend at sentencing that the Court reduce by two levels the sentencing guideline level applicable to the defendant's offenses, pursuant to Section 3E1.1(a) of the Sentencing Guidelines, based upon the defendant's recognition and affirmative and timely acceptance of personal responsibility. If, at the time of sentencing, the defendant's offense level is determined to be 16 or greater, the government will make a motion requesting an additional one level decrease pursuant to Section 3E1.1(b) of the Sentencing Guidelines, stating that the defendant 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. The United States, however, will not be required to make this recommendation or motion if the defendant: (1) fails or refuses to make a full, accurate and complete disclosure to the probation office of the circumstances surrounding the relevant offense conduct; (2) is found to have misrepresented facts to the government prior to entering into this plea agreement; or (3) commits any misconduct after entering into this plea agreement, including but not limited to committing a state or federal offense, violating any term of release, or making false statements or misrepresentations to any governmental entity or official.

9. The United States and the defendant agree that, although not binding on the probation office or the Court, they will jointly recommend that the Court make the following findings and conclusions as to the sentence to be imposed[1]:

a.	Base Offense Level: U.S.S.G. §2B1.1(a)(1)	7
b.	Specific offense characteristics: U.S.S.G. § 2B1.1(b)(1)(I) [Loss: $1,000,000 to $2,500,000]	+16
c.	Sophisticated Means: U.S.S.G. § 2B1.1(b)(10) (C)	+2
d.	Acceptance of Responsibility: If the defendant meets the requirements of U.S.S.G. § 3E1.1, he may be entitled to a three-level reduction for acceptance of responsibility, provided that he forthrightly admits his guilt, cooperates with the Court and the Probation Office in any presentence investigation ordered by the Court, and continues to manifest an acceptance of responsibility through and including the time of sentencing.	-3
e.	Total Offense Level: The appropriate adjusted base offense level, assuming a three-level departure for acceptance of responsibility pursuant to Section 3E1.1, is a level 22.	22

[1] The parties have reached no agreement regarding any Criminal History category.

10. The defendant confirms that he is guilty of the offenses to which he is pleading guilty, that his decision to plead guilty is the decision that he has made, and that nobody has forced, threatened, or coerced him into pleading guilty. The defendant affirms that he has discussed this matter thoroughly with his attorney. The defendant further affirms that his discussions with his attorney have included discussion of possible defenses that he may raise if the case were to go to trial, as well as possible issues and arguments that he may raise at sentencing. The defendant additionally affirms that he is satisfied with the representation provided by his attorney. The defendant accordingly affirms that he is entering into this agreement knowingly, voluntarily, and intelligently, and with the benefit of full, complete, and effective assistance by his attorney.

11. The defendant agrees to forfeit to the United States, voluntarily and immediately, all rights, title, and interest to any property constituting, or derived from, proceeds the defendant obtained directly or indirectly, as the result of the commission of the offense, in violation of Title 18, United States Code, Section 1349, pursuant to Title 18, United States Code, Section 982(a)(2)(A). The defendant specifically agrees that the property which is subject to forfeiture includes, but is not limited to, a sum of money equal in value to the proceeds the defendant obtained directly or indirectly as the result of the commission of the offense, joint and several with the codefendants in this case, which the United States will seek as a forfeiture money judgment. The defendant agrees that he will forfeit at least $397,046.01.

12. The defendant also agrees to assist this Office in all proceedings, whether administrative or judicial, involving the forfeiture to the United States of all rights, title, and interest, regardless of their nature or form, in all assets, including real and personal property, cash and other monetary instruments, wherever located, which the defendant or others to his

knowledge have accumulated as a result of illegal activities. Such assistance will involve an agreement on the defendant's part to the entry of an order enjoining the transfer or encumbrance of assets which may be identified as being subject to forfeiture. Additionally, the defendant agrees to identify as being subject to forfeiture all such assets, and to assist in the transfer of such property to the United States by delivery to this Office upon this Office's request, all necessary and appropriate documentation with respect to said assets, including consents to forfeiture, quit claim deeds and any and all other documents necessary to deliver good and marketable title to said property.

13. The defendant knowingly and voluntarily agrees to waive any claim or defense under the Eighth Amendment to the United States Constitution, including any claim of excessive fine or penalty with respect to the forfeited property. In addition, the defendant agrees to waive any applicable time limits for the initiation of administrative forfeiture and/or further notification of any judicial or administrative forfeiture proceedings brought against said property. The defendant also agrees to waive any appeal for the forfeiture.

14. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office, or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged above, that the defendant may not withdraw his plea based upon the

Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

15. The defendant agrees that he shall cooperate fully with the Offices by:

a. providing truthful and complete information and testimony, and producing documents, records and other evidence, when called upon by the Offices, whether in interviews, before a grand jury, or at any trial or other court proceeding;

b. appearing at such grand jury proceedings, hearings, trials, and other judicial proceedings, and at meetings, as may be required by the Offices; and

c. if requested by the Offices, working in an undercover role to contact and negotiate with those suspected and believed to be involved in criminal misconduct under the supervision of, and in compliance with, law enforcement officers and agents.

In addition, the defendant agrees that the defendant will not protect any person or entity through false information or omission, that the defendant will not falsely implicate any person or entity, and that the defendant will not commit any further crimes.

16. The Offices reserve the right to evaluate the nature and extent of the defendant's cooperation and to make the defendant's cooperation, or lack thereof, known to the court. If in the sole and unreviewable judgment of the Offices the defendant's cooperation is of such quality and significance to the investigation or prosecution of other criminal matters, the Offices may make a motion under Section 5K1.1 of the United States Sentencing Commission Guidelines or Rule 35 of the Federal Rules of Criminal Procedure, reflecting that the defendant has provided substantial assistance and recommending that the defendant's sentence be reduced from the advisory sentence suggested by the Sentencing Guidelines. The defendant acknowledges and agrees, however, that nothing in this Agreement may be construed to require the Offices to file

any such motion and that the Offices' assessment of the nature, value, truthfulness, completeness, and accuracy of the defendant's cooperation shall be binding insofar as the appropriateness of the Offices' filing of any such motion is concerned.

17. The defendant understands and acknowledges that the Court is under no obligation to grant the motion pursuant to Title 18, United States Code, Section 3553(e), 5K1.1 of the Sentencing Guidelines or Rule 35 of the Federal Rules of Criminal Procedure, referred to in the preceding paragraph of this agreement, should the government exercise its discretion to file any such motion. The defendant also understands and acknowledges that the Court is under no obligation to reduce the defendant's sentence because of the defendant's cooperation.

18. The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure and/or a variance from the guideline range that the court establishes at sentencing. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney. The defendant further agrees, together with the United States, to request that the

district court enter a specific finding that the defendant's waiver of his right to appeal the sentence to be imposed in this case is knowing and voluntary.

19. In the event the defendant withdraws from this agreement prior to or after pleading guilty to the charges identified in paragraph one (1) above or otherwise fails to fully comply with any of the terms of this plea agreement, the Offices will be released from their obligations under this agreement, and the defendant agrees and understands that: (a) he thereby waives any protection afforded by any proffer letter agreement between the parties, Section 1B1.8 of the Sentencing Guidelines, Rule 11(f) of the Federal Rules of Criminal Procedure, and Rule 410 of the Federal Rules of Evidence, and that any statements made by him as part of plea discussions, any debriefings or interviews, or in this agreement, whether made prior to or after the execution of this agreement, will be admissible against him without any limitation in any civil or criminal proceeding brought by the government; and (b) the defendant stipulates to the admissibility and authenticity, in any case brought by the United States in any way related to the facts referred to in this agreement and the Statement of Offense, of any documents provided by the defendant or his representatives to any state or federal agency and/or the Offices.

20. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

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WIFREDO A. FERRER
UNITED STATES ATTORNEY
Southern District of Florida

WILLIAM STELLMACH
ACTING CHIEF
Fraud Section, Criminal Division
U.S. Department of Justice

Date: 10/31/14

By: _____
Gary A. Winters
Brian Young
Trial Attorneys
Fraud Section, Criminal Division

Date: 10/30/14

By: _____
Roberto R. Pardo, Esq
Attorney for Enrique Angulo

Date: 10/30/14.

By: _____
Enrique Angulo
Defendant