

FILED

JAN 15 2014

DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

FORFEITURE ADDENDUM TO PLEA AGREEMENT

United States v. Leonard Glenn Francis, Criminal Case No.

The defendant understands and agrees that this Forfeiture Addendum will be filed with the Court at the same time as the filing of the plea agreement. At the time of the Rule 11 plea colloquy the Court will have before it the plea agreement and one or more addenda, and any reference during the hearing to the "plea agreement" will be understood to be a reference to the plea agreement together with these addenda. Both parties will ensure that the Court is aware of and considers both the plea agreement and these addenda at the Rule 11 hearing. If this issue is not raised by either party at the Rule 11 hearing, any objection relating to that issue will be waived.

I, the defendant, certify that I have read the preceding paragraph (or it has been read to me in my native language), and that I have discussed it with my counsel and fully understand its meaning and effect. I am satisfied with counsel's representation.

1-8-15

Date

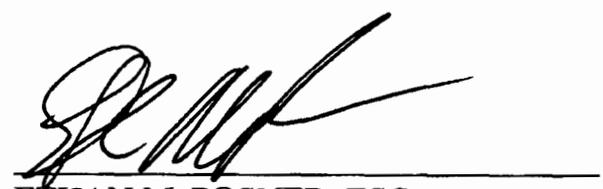


LEONARD GLENN FRANCIS
Defendant

Acknowledgment by Defense Counsel:

1-8-15

Date



ETHAN M. POSNER, ESQ.
SARA J. O'CONNELL, ESQ.
Covington & Burling LLP
Attorneys for Defendant

//

1 A. Property Subject to Forfeiture. In addition to waiving Indictment and
2 pleading guilty to an Information, as set forth in Section I of the plea agreement, the
3 defendant agrees to forfeit to the United States in an amount not less than
4 \$35,000,000.00 (hereinafter referred to as "Subject Assets") which sum represents a
5 portion of the gross of proceeds of a conspiracy to commit bribery and bribery as well
6 as a conspiracy to defraud the United States, and substitute assets therefor, with the
7 Court to determine the full amount at sentencing. The defendant agrees that the
8 proceeds of these crimes include the full amount of losses sustained by the United
9 States as a result of the defendant's conspiracy and bribery conduct. **The parties**
10 **agree that Defendant's forfeiture liability shall be joint and several with that of**
11 **Glenn Defense Marine Asia, and that payment of the forfeiture amount by one**
12 **defendant shall be a credit against the forfeiture liability of the other.**

13 B. Bases of Forfeiture. The defendant acknowledges that all property
14 covered by the plea agreement and forfeiture addendum is subject to forfeiture as
15 proceeds pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and as
16 substitute assets for property subject to forfeiture pursuant to 21 U.S.C. § 853(p) and
17 28 U.S.C. § 2461(c).

18 C. Immediate Entry of Order of Forfeiture. The defendant consents and
19 agrees to the immediate entry of an order of forfeiture in the amount of
20 \$35,000,000.00, which represents a portion of the gross proceeds of a conspiracy to
21 commit bribery and bribery as well as a conspiracy to defraud the United States, and
22 substitute assets therefor. The defendant agrees to immediately withdraw any claims
23 to property directly or indirectly related to the criminal conduct seized in connection
24 with this case in any pending administrative and civil forfeiture proceeding, and
25 consents to the forfeiture of all properties seized in connection with this case to the
26 United States. The defendant agrees to provide the United States, within 90 days of
27 signing the plea agreement, all financial information required by the plea agreement.
28 The defendant also agrees to execute any and all non-privileged documents requested

1 by the government to facilitate or complete the forfeiture process and collect the full
2 amount of the forfeiture judgment. The defendant further agrees not to contest or to
3 assist any other person or entity in contesting the forfeiture of the property seized in
4 connection with this case. The defendant agrees to use its best efforts to obtain from
5 any party who has an interest in the Subject Assets, including the defendant's officers,
6 directors, and employees, and legal representatives, and those of any other related
7 business entity, any consent forms required to facilitate the forfeiture of the Subject
8 Assets.

9 D. Payment Schedule. Within 90 days of the execution of the plea
10 agreement, defendant agrees to remit \$5,000,000.00 to the Department of Defense,
11 Defense Criminal Investigative Service ("DCIS") shelf account, as directed by the
12 United States Attorney's Office for the Southern District of California. Within 365
13 days of the execution of the plea agreement, defendant agrees to remit additional
14 funds to the DCIS shelf account to the best of its ability to pay. Defendant may pay
15 additional amounts pursuant to the Forfeiture Order at its discretion. If the Court
16 orders restitution, the parties agree that all amounts remitted by defendant to the DCIS
17 shelf account shall then be applied to offset defendant's restitution obligation. If the
18 Court declines to enter restitution, the entire amount paid pursuant to this Forfeiture
19 Addendum shall be fully forfeited to the United States as set forth above. If the Court
20 orders restitution in an amount less than the amount forfeited pursuant to this
21 Forfeiture Addendum, the defendant will receive credit against the restitution only up
22 to the amount of the restitution, and any remaining amount shall still be forfeited in its
23 entirety. **The parties agree that any payments to the DCIS shelf account made by**
24 **Leonard Francis shall be credited toward defendant's obligations under this**
25 **paragraph.**

26 E. Entry of Orders of Forfeiture and Waiver of Notice. The defendant
27 consents and agrees to the entry of orders of forfeiture for such property and waives
28 the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding

1 notice of the forfeiture in the charging instrument, announcement of the forfeiture at
2 sentencing, and incorporation of the forfeiture in the judgment. The defendant
3 acknowledges that he understands that the forfeiture of assets is part of the sentence
4 that may be imposed and waives any failure by the Court to advise the defendant of
5 this, pursuant to Rule 11(b)(1)(J), at the time the Court accepts the guilty plea.

6 F. Waiver of Constitutional and Statutory Challenges. The defendant
7 further agrees to waive all constitutional and statutory challenges in any manner
8 (including direct appeal, habeas corpus, or any other means) to any forfeiture carried
9 out in accordance with this agreement on any grounds, including that the forfeiture
10 constitutes an excessive fine or punishment. The defendant agrees to take all steps as
11 requested by the United States to pass clear title to forfeitable assets to the United
12 States and to testify truthfully in any judicial forfeiture proceeding.

13 G. Agreement Survives Defendant; No Forfeiture Abatement. The
14 defendant agrees that the forfeiture provisions of this plea agreement are intended to,
15 and will, survive the defendant, notwithstanding the abatement of any underlying
16 criminal conviction after the execution of this agreement. The forfeitability of any
17 particular property pursuant to this agreement shall be determined as if the defendant
18 had survived, and that determination shall be binding upon the defendant's heirs,
19 successors, and assigns until the agreed forfeiture, including any agreed money
20 judgment amount, is collected in full.

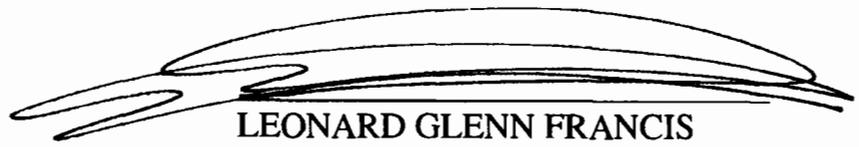
21
22
23
24
25
26
27
28



1 The defendant understands that the plea agreement, the Forfeiture Addendum,
2 and any other addendum embody the entire plea agreement between the parties, and
3 supersede any other plea agreement and addenda, written or oral.

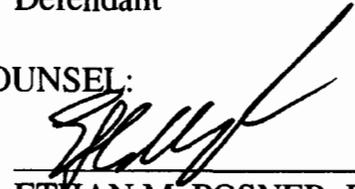
4
5 FOR THE DEFENDANT:

6 1-8-15
7 Date


LEONARD GLENN FRANCIS
Defendant

8
9 ACKNOWLEDGMENT BY DEFENSE COUNSEL:

10 1-8-15
11 Date


ETHAN M. POSNER, ESQ.
SARA J. O'CONNELL, ESQ.
Covington & Burling LLP
Attorneys for Defendant

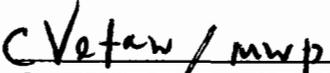
12
13
14 FOR THE UNITED STATES:

15
16
17 1/13/15
18 Date

LAURA E. DUFFY
United States Attorney

MARK W. PLETCHER
ROBERT S. HUIE
Assistant U.S. Attorneys

19
20
21
22
23 1/13/15
24 Date

WILLIAM J. STELLMACH
Chief, Fraud Section, Criminal Division

CATHERINE VOTAW
Director, Procurement Fraud
BRIAN YOUNG
Trial Attorneys
Fraud Section, Criminal Division