

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA
v.
RAHEIM HAMILTON

No. 22 CR 323-2

Judge Steven C. Seeger

PLEA AGREEMENT

1. This Plea Agreement between the United States Attorney for the Northern District of Illinois, ANDREW S. BOUTROS, and defendant RAHEIM HAMILTON, and his attorneys, JAMES VANZANT and HOLLY BLAINE, is made pursuant to Rule 11 of the Federal Rules of Criminal Procedure and is governed in part by Rule 11(c)(1)(A), as more fully set forth below. The parties to this Agreement have agreed upon the following:

Charges in This Case

2. The superseding indictment in this case charges defendant with conspiracy to distribute counterfeit currency, in violation of Title 18, United States Code, Section 371 (Count One); conspiracy to knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely one kilogram or more of heroin, five kilograms or more of cocaine, and 500 grams or more of methamphetamine, in violation of Title 21, United States Code, Section 846 (Count Two); conspiracy to possess fifteen or more unauthorized access devices, in violation of 18 U.S.C. § 1029(a)(3) (Count Three); conspiracy to distribute counterfeit currency, in

violation of Title 18, United States Code, Section 371 (Count Four); and money laundering conspiracy; in violation of Title 18, United States Code, Section 1956(h) (Count Five).

3. Defendant has read the charges against him contained in the superseding indictment, and those charges have been fully explained to him by his attorney.

4. Defendant fully understands the nature and elements of the crimes with which he has been charged.

Charge to Which Defendant Is Pleading Guilty

5. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to the following count of the superseding indictment: Count Two, which charges defendant with conspiracy to knowingly and intentionally possess with intent to distribute and distribute a controlled substance, namely one kilogram or more of heroin, five kilograms or more of cocaine, and 500 grams or more of methamphetamine, in violation of Title 21, United States Code, Section 846. In addition, as further provided below, defendant agrees to the entry of a forfeiture judgment.

Factual Basis

6. Defendant will plead guilty because he is in fact guilty of the charge contained in Count Two of the superseding indictment. In pleading guilty, defendant admits the following facts and that those facts establish his guilt beyond a reasonable doubt and constitute relevant conduct pursuant to Guideline § 1B1.3, and establish a basis for forfeiture of the property described elsewhere in this Plea Agreement:

Beginning no later than in or about August 2017 and continuing until on or about August 22, 2020, in the Northern District of Illinois, Eastern Division, and elsewhere, defendant RAHEIM HAMILTON, also known as “Sydney” and “ZeroAngel,” conspired with Thomas Pavey, also known as “Dopenugget,” and with others known and unknown, to knowingly and intentionally possess with the intent to distribute and distribute a controlled substance, namely, one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, five kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, and 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); in violation of Title 21, United States Code, Section 846.

Defendant Was the Co-Creator and Co-Administrator of Empire Market

Beginning in approximately August 2017, HAMILTON and Pavey agreed to create and operate Empire Market, a dark web marketplace for illegal goods and services that operated from approximately February 1, 2018, through August 22, 2020. Defendant along with Pavey, owned, operated, and oversaw all aspects of Empire Market. They designed Empire Market as a marketplace for vendors and buyers to buy and sell illegal products and services anonymously. The illegal products and services included controlled substances, compromised or stolen account credentials, stolen personally identifying information, and counterfeit currency, and computer hacking

tools, among other items. Defendant and Pavey profited from their operation of Empire Market.

While in operation, Empire Market was one of the largest dark web marketplaces of its kind. By August 2020, Empire Market had approximately 1,681,429 unique registered users, including approximately 359,763 buyers and approximately 5,002 vendors. During the life of the marketplace, vendors and buyers conducted approximately 4,003,803 separate transactions. Net sales, including shipping charges, totaled approximately \$432,951,570.47. Defendant profited from these sales by retaining portions of cryptocurrency transacted on Empire Market.

Defendant and Pavey were responsible for the design and structure of Empire Market. They managed the day-to-day operations of the site, advertising the site, dealing with technical issues, and otherwise operating Empire Market. At times, Defendant personally handled dispute resolution. He was also responsible for hiring and managing moderators. Moderators were Empire Market employees responsible for settling disputes between vendors and customers. Over time, defendant supervised a group of approximately five moderators.

Goods and Services Available on Empire Market

Defendant and Pavey agreed to and did design Empire Market to list specific illegal goods and services offered for sale on the site. The top-level categories of items for sale included, “Fraud,” “Drugs & Chemicals,” “Guides & Tutorials,” “Counterfeit Items,” “Carded Items,” and “Software & Malware,” among others. Defendant knew

that Empire Market vendors sold the illegal goods and services listed on the site, including controlled substances, stolen personally identifying information, stolen credit card information, counterfeit goods and currency, among other illegal items. In addition to illegal goods and services, Defendant knew that vendors on Empire Market also sold guides and information related to fraud, how to use stolen personally identifying information, and other items that facilitated criminal conduct. Empire Market was designed to support these sales.

Sales of controlled substances were the most prevalent activity on Empire Market. Defendant acknowledges that as of approximately August 20, 2020, Empire Market had approximately 166,029 vendor listings for controlled substances. Over the life of the site, there were approximately 2,750,712 controlled substance transactions. Net sales of controlled substances on Empire Market totaled approximately \$374,069,309.81.

When a buyer purchased controlled substances, the vendor would ship the item purchased to an address provided by the buyer. In some instances, the vendor was located outside of the United States and shipped to customers in the United States. This included shipments of methamphetamine from outside the United States to customers in the United States.

Defendant acknowledges that, between April 16, 2019, and May 1, 2020, U.S. law enforcement officials made undercover purchases from Empire Market vendors.

These purchases included at least 143.5 grams of methamphetamine and 105.4 grams of heroin.

Defendant further acknowledges that on August 10, 2020, Individual A ordered one pound of methamphetamine from Vendor J on Empire Market and had it shipped to his home in Chicago. The package was intercepted by law enforcement and contained approximately 443.5 grams of methamphetamine.

The defendant acknowledges that the total amount of controlled substances distributed as part of the offense and relevant conduct included at least: 21,177.23 ounces of marijuana, 446,683.15 grams of cocaine, 71,992.33 grams of methamphetamine, 103,396.21 grams of heroin, 13,314.23 grams of fentanyl, and 7,694.63 grams of cocaine base.

Defendant knew that in addition to controlled substances, Empire Market vendors sold a variety of stolen account login credentials and other tools and methods for gaining unauthorized access to computers. These included account and password combinations for a variety of services. For example, on approximately August 20, 2020, Empire Market had approximately 63,224 listings that contained account and password combinations for sale. Vendors and buyers conducted approximately 50,850 transactions of compromised account information. In August 2020, Empire Market had approximately 1,533,386 listings for stolen or compromised credit card information. Vendors and buyers conducted approximately 200,096 transactions involving stolen or compromised credit card numbers on the site. In addition, Empire Market featured a

category titled “software and malware” and offered items for sale under subcategories like “botnets and malware,” “exploits,” and “exploit kits”. These included zero-day exploits, ransomware, “hacking tutorials” and “cryters,” a type of software that encrypts malware to make it harder to detect by security programs.

Empire Market Was Designed to Hide its Creators and Users from Law Enforcement

Defendant and Pavey designed and maintained Empire Market to anonymize its users, make its users untraceable by law enforcement, and to assist themselves and Empire Market users in laundering money used in Empire Market transactions.

For example, defendant and Pavey designed Empire Market to be accessible only by using a TOR (The Onion Router) browser, which is designed to facilitate anonymous communication over the internet. Further, Empire Market was a “hidden services” website. That is, it was only accessible through the TOR network.

To further anonymize users, Defendant and Pavey set up Empire Market so that all transactions were conducted using cryptocurrency – users could not use other means, such as a credit card or debit card, to pay for purchases.

Defendant and Pavey designed Empire Market to emphasize “stealth,” which referred to how well a vendor packaged their products to avoid detection. For example, customers could provide feedback to vendors based on this feature.

Defendant and Pavey designed Empire Market to encourage the use of encrypted messaging on its platforms. Similarly, Empire Market featured tips and

recommendations on how to launder proceeds and conceal cryptocurrency used in purchases.

Defendant and Pavey discussed methods of laundering their own earnings from Empire Market. Defendant took steps to conceal the nature and source of his earnings, including by using mixers and tumblers to obscure the source of his earnings. In addition, defendant used and discussed other laundering techniques with others.

Defendant's Conspiracy to Sell Counterfeit Currency on AlphaBay

Defendant also acknowledges that, between on or about June 15, 2016, to on or about July 5, 2017, defendant conspired to sell, and did sell, counterfeit U.S. currency on AlphaBay. AlphaBay was a dark web marketplace that preceded the existence of Empire Market and operated similarly. Defendant used the name "ZeroAngel" on AlphaBay and maintained a vendor page offering counterfeit currency for sale. When customers ordered counterfeit currency, defendant shipped counterfeit bills in exchange for payment in cryptocurrency. Defendant and Pavey used AlphaBay as a model for how Empire Market looked and operated, and Empire Market was advertised, at defendant's direction, as an AlphaBay "clone."

Maximum Statutory Penalties

7. Defendant understands that the charge to which he is pleading guilty carries the following statutory penalties:

a. A maximum sentence of life imprisonment, and a statutory mandatory minimum sentence of 10 years imprisonment. Pursuant to Title 18, United

States Code, Section 3561, defendant may not be sentenced to a term of probation for this offense. This offense also carries a maximum fine of \$10,000,000, or twice the gross gain or gross loss resulting from that offense, whichever is greater. Defendant further understands that the judge also may impose a term of supervised release of at least five years, and up to any number of years, including life.

b. Defendant further understands that the Court must order restitution to the victims of the offense in an amount determined by the Court unless it determines that restitution is not applicable because the number of identifiable victims is so large as to make restitution impracticable or determining complex issues of fact related to the cause or amount of the victim losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim is outweighed by the burden on the sentencing process.

c. Pursuant to Title 18, United States Code, Section 3013, defendant will be assessed \$100 on the charge to which he has pled guilty, in addition to any other penalty or restitution imposed.

Sentencing Guidelines Calculations

8. Defendant understands that, in determining a sentence, the Court is obligated to calculate the applicable Sentencing Guidelines range, and to consider that range, possible departures under the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a), which include: (i) the nature and circumstances of the offense and the history and characteristics of the defendant; (ii) the need for the

sentence imposed to reflect the seriousness of the offense, promote respect for the law, provide just punishment for the offense, afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; (iii) the kinds of sentences available; (iv) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and (v) the need to provide restitution to any victim of the offense.

9. For purposes of calculating the Sentencing Guidelines, the government's position as of the date of this Agreement is as follows:

a. **Applicable Guidelines.** The Sentencing Guidelines to be considered in this case are those in effect at the time of sentencing. The following statements regarding the calculation of the Sentencing Guidelines are based on the Guidelines Manual currently in effect, namely the November 1, 2024 Guidelines Manual.

b. **Offense Level Calculations.**

i. The amount of controlled substances involved in Count 2, and the relevant conduct for which defendant is accountable is approximately 103,396.21 grams of heroin, approximately 446,683.15 grams of cocaine, approximately 71,992.33 grams of methamphetamine, approximately 13,314.22, grams of fentanyl, approximately 7,694.63 grams of cocaine base, and approximately 21,777.23 ounces of

marijuana. Pursuant to Application Note 8(B) to Guideline § 2D1.1, when determining the offense level for an offense involving different controlled substances, each drug is to be converted to its converted drug weight, combined, and then referred to the Drug Quantity Table in § 2D1.1 to obtain the combined offense level. Combining the converted drug weight for the heroin, cocaine, methamphetamine, fentanyl, cocaine base, and marijuana for which defendant is accountable equals approximately 397,542.32 kilograms of converted drug weight, which is 90,000 kilograms or more of converted drug weight. Therefore, the base offense level for Count 2 and the relevant conduct is 38, pursuant to Guidelines § 2D1.1(a)(5) and 2D1.1(c)(1)

ii. Pursuant to Guideline § 2D1.1(b)(5), defendant receives a two-level increase because the offense involved the importation of methamphetamine.

iii. Pursuant to Guideline § 2D1.1(b)(7), defendant receives a two-level increase because the defendant, or a person for whose conduct the defendant is accountable under §1B1.3 (Relevant Conduct), distributed a controlled substance through mass-marketing by means of an interactive computer service, namely, Empire Market.

iv. Pursuant to Guideline § 2D1.1(b)(16)(E), defendant receives a two-level increase because the defendant receives an adjustment under § 3B1.1 (Aggravating Role) and the defendant committed the offense as part of a pattern of criminal conduct engaged in as a livelihood.

v. Pursuant to Guideline § 3B1.1, defendant receives a four-level increase because defendant was an organizer and leader of criminal activity involving five or more participants and was otherwise extensive.

vi. The government understands that defendant will truthfully admit the conduct comprising the offenses of conviction and truthfully admit or not falsely deny any additional relevant conduct for which the defendant is accountable under Guideline § 1B1.3. Therefore, based upon facts now known to the government, defendant has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for his criminal conduct. If the government does not receive additional evidence in conflict with this provision, and if defendant continues to accept responsibility for his actions within the meaning of Guideline § 3E1.1(a), including by furnishing the United States Attorney's Office and the Probation Office with all requested financial information relevant to his ability to satisfy any fine that may be imposed in this case, a two-level reduction in the offense level is appropriate.

vii. In accord with Guideline § 3E1.1(b), defendant has timely notified the government of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently. Therefore, as provided by Guideline § 3E1.1(b), if the Court determines the offense level to be 16 or greater prior to determining that defendant is entitled to a two-level reduction for acceptance of responsibility, the government will move for an additional one-level reduction in the offense level.

c. **Criminal History Category.** With regard to determining defendant's criminal history points and criminal history category, based on the facts now known to the government, defendant's criminal history points equal 1 and defendant's criminal history category is I:

i. On or about April 1, 2016, defendant was convicted of Petit Larceny, in Suffolk County, Virginia, and sentenced to 12 months' imprisonment with 12 months suspended and two years of probation. Pursuant to Guideline § 4A1.1(c) and 4A1.2(a)(3), defendant receives 1 criminal history point for this offense.

d. **Anticipated Advisory Sentencing Guidelines Range.**

Therefore, based on the facts now known to the government, the government anticipates the offense level to be 45 which, when combined with the anticipated criminal history category of I, results in an anticipated advisory sentencing guidelines range of life imprisonment, in addition to any supervised release, fine, and restitution the Court may impose. Defendant also acknowledges that he is subject to a statutory minimum sentence of 10 years' imprisonment.

e. Defendant and his attorney and the government acknowledge that the guidelines calculations set forth in this Agreement are preliminary in nature, and are non-binding predictions upon which neither party is entitled to rely. Defendant understands the above calculations are based on information now known to the government and that further review of the facts or applicable legal principles may lead the government to change its position on the guidelines calculations. Defendant

understands that the Probation Office will conduct its own investigation and that the Court ultimately determines the facts and law relevant to sentencing, and that the Court's determinations govern the final guideline calculation. Accordingly, the validity of this Agreement is not contingent upon the defendant's, the probation officer's, or the Court's concurrence with the above calculations, and defendant shall not have a right to withdraw his plea on the basis of a change in the government's position on the guideline calculations or the Court's rejection of these calculations.

10. Both parties expressly acknowledge that this Agreement is not governed by Fed. R. Crim. P. 11(c)(1)(B), and that errors in applying or interpreting any of the sentencing guidelines may be corrected by the government prior to sentencing. The government may correct these errors by a statement to the Probation Office or the Court, setting forth any changes in the government's position regarding the guidelines calculations. The validity of this Agreement will not be affected by such corrections, and defendant shall not have a right to withdraw his plea on the basis of such corrections.

Agreements Relating to Sentencing

11. Each party is free to recommend whatever sentence it deems appropriate.

12. It is understood by the parties that the sentencing judge is neither a party to nor bound by this Agreement and may impose a sentence up to the maximum penalties as set forth above. Defendant further acknowledges that if the Court does not

accept the sentencing recommendation of the parties, defendant will have no right to withdraw his guilty plea.

13. Regarding restitution, the parties agree that restitution is not applicable because the number of identifiable victims is so large as to make restitution impracticable and determining complex issues of fact related to the cause or amount of the victim losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim is outweighed by the burden on the sentencing process.

14. Restitution shall be due immediately, and paid pursuant to a schedule to be set by the Court at sentencing. Defendant acknowledges that pursuant to Title 18, United States Code, Section 3664(k), he is required to notify the Court and the United States Attorney's Office of any material change in economic circumstances that might affect his ability to pay restitution.

15. Defendant agrees to pay the special assessment of \$100 at the time of sentencing with a cashier's check or money order payable to the Clerk of the U.S. District Court.

16. Defendant agrees that the United States may enforce collection of any fine or restitution imposed in this case pursuant to Title 18, United States Code, Sections 3572, 3613, and 3664(m), and Title 31, United States Code, Sections 3711, 3716, and 3728, notwithstanding any payment schedule set by the Court. In the event of the death or dissolution of, or the government's inability to locate the named recipient(s) of

restitution in the Judgment and Commitment Order, the defendant agrees to not oppose efforts by the government to obtain an order substituting as payee a representative of the victim's estate, another family member, or any other person or successor entity appointed as suitable by the court, or the Crime Victims Fund.

17. After sentence has been imposed on the count to which defendant pleads guilty as agreed herein, the government will move to dismiss the remaining counts of the superseding indictment, as well as the indictment as to defendant.

Forfeiture

18. Defendant understands that, by pleading guilty, he will subject to forfeiture to the United States all right, title, and interest that he has in any property constituting or derived from proceeds obtained, directly or indirectly, as a result of the offense; any property used or intended to be used, in any manner or part, to commit or facilitate commission of the offense and any property involved in the offense, including the items listed below.

19. Defendant agrees to forfeiture of the following specific property to the United States:

- a. 55.84957653 bitcoin, from Trezor wallet "mum," seized on December 21, 2022;
- b. 180.18680571 bitcoin, from Trezor wallet "dani trezor," seized on December 21, 2022;

- c. 7.94359639 bitcoin, from Mycelium wallet, seized on December 21, 2022;
- d. 1035.701298 Tether, from Exodus wallet, seized on December 21, 2022;
- e. 0.106783906573640026 Ether, seized on December 21, 2022;
- f. 24.31293164014087913 Ether, seized on December 21, 2022;
- g. 0.10187733 bitcoin, seized on December 21, 2022;
- h. \$1,887.00 in United States coins, seized on December 21, 2022;
- i. 0.12656229 bitcoin, from source wallet “clean”, seized on May 30, 2023;
- j. 986.18168774 bitcoin, from source wallet “mine”, seized on May 30, 2023;
- k. 928 W. Princess Anne Road, Norfolk, Virginia 23507;
- l. 2137 Ballentine Boulevard, Norfolk, Virginia 23504;
- m. 5620 Shoulders Hill Road, Suffolk, Virginia 23435;
- n. Samsung telephone bearing IMEI number 350479731740348;
- o. Gray Samsung tablet number SM-T860;
- p. 8GB SanDisk cruzer glide bearing number GI150124456B;
- q. Black iPhone in blue case bearing serial number F17XP823KXKW;
- r. Silver MacBook bearing serial number FVFFGD9BQ05F;
- s. SD Card bearing serial number 1200752509;

- t. Blue iPhone model number A2176;
- u. Dell laptop bearing serial number 7HRD9B2;
- v. Lenovo laptop bearing serial number PF0R1S2B;
- w. Gram laptop bearing serial number 808NZAU029992;
- x. HP laptop bearing serial number SCD633PBZ; and
- y. MSI laptop bearing serial number K1513N0073536.

In doing so, defendant admits that the property described above represents proceeds defendant obtained as a result of the offense; property which facilitated the offense; property involved in the offense, as alleged in the superseding indictment. Defendant consents to the immediate entry of a preliminary order of forfeiture as to this specific property, thereby extinguishing any right, title, or interest defendant has in it. If any of the specific property is not yet in the custody of the United States, defendant agrees to seizure of that property so that it may be disposed of according to law.

20. Defendant acknowledges that on or about December 21, 2022, administrative forfeiture proceedings were commenced against certain property, including items (a) through (y) in the preceding paragraph. By signing this plea agreement, defendant acknowledges that he had notice of the administrative forfeiture proceeding, relinquishes any right, title, and interest he may have had in this property, withdraws any previously filed claims, and understands that an administrative decree of forfeiture has been entered, or will be entered, thereby extinguishing any claim he may have had in the seized property.

21. Defendant understands that forfeiture shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon defendant in addition to the forfeiture judgment.

22. Defendant agrees to waive all constitutional, statutory, and equitable challenges in any manner, including but not limited to direct appeal or a motion brought under Title 28, United States Code, Section 2255, to any forfeiture and/or abandonment carried out in accordance with this agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment. The waiver in this paragraph does not apply to a claim of involuntariness or ineffective assistance of counsel. Defendant further agrees not to challenge or seek review of the civil or administrative forfeiture of any property identified in this agreement subject to forfeiture or abandonment and will not assist any third party with regard to such challenge or review.

Acknowledgments and Waivers Regarding Plea of Guilty

Nature of Agreement

23. This Agreement is entirely voluntary and represents the entire agreement between the United States Attorney and defendant regarding defendant's criminal liability in case 22 CR 323-2.

24. This Agreement concerns criminal liability only. Except as expressly set forth in this Agreement, nothing herein shall constitute a limitation, waiver, or release by the United States or any of its agencies of any administrative or judicial civil claim,

demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Agreement are limited to the United States Attorney's Office for the Northern District of Illinois and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Agreement.

Waiver of Rights

25. Defendant understands that, by pleading guilty, he surrenders certain rights, including the following:

a. **Trial rights.** Defendant has the right to persist in a plea of not guilty to the charges against him, and if he does, he would have the right to a public and speedy trial.

i. The trial could be either a jury trial or a trial by the judge sitting without a jury. However, in order that the trial be conducted by the judge sitting without a jury, defendant, the government, and the judge all must agree that the trial be conducted by the judge without a jury.

ii. If the trial is a jury trial, the jury would be composed of twelve citizens from the district, selected at random. Defendant and his attorney would participate in choosing the jury by requesting that the Court remove prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges.

iii. If the trial is a jury trial, the jury would be instructed that defendant is presumed innocent, that the government has the burden of proving defendant guilty beyond a reasonable doubt, and that the jury could not convict him unless, after hearing all the evidence, it was persuaded of his guilt beyond a reasonable doubt and that it was to consider each count of the superseding indictment separately. The jury would have to agree unanimously as to each count before it could return a verdict of guilty or not guilty as to that count.

iv. If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, and considering each count separately, whether or not the judge was persuaded that the government had established defendant's guilt beyond a reasonable doubt.

v. At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant. Defendant would be able to confront those government witnesses and his attorney would be able to cross-examine them.

vi. At a trial, defendant could present witnesses and other evidence in his own behalf. If the witnesses for defendant would not appear voluntarily, he could require their attendance through the subpoena power of the Court. A defendant is not required to present any evidence.

vii. At a trial, defendant would have a privilege against self-incrimination so that he could decline to testify, and no inference of guilt could be

drawn from his refusal to testify. If defendant desired to do so, he could testify in his own behalf.

viii. With respect to forfeiture, defendant understands that if the case were tried before a jury, he would have a right to retain the jury to determine whether the government had established the requisite nexus between defendant's offense and any specific property alleged to be subject to forfeiture.

b. **Appellate rights.** Defendant further understands he is waiving all appellate issues that might have been available if he had exercised his right to trial, and may only appeal the validity of this plea of guilty and the sentence imposed. Defendant understands that any appeal must be filed within 14 calendar days of the entry of the judgment of conviction.

26. Defendant understands that, by pleading guilty, he is waiving all the rights set forth in the prior paragraphs, with the exception of the appellate rights specifically preserved above. Defendant's attorney has explained those rights to him, and the consequences of his waiver of those rights.

Presentence Investigation Report/Post-Sentence Supervision

27. Defendant understands that the United States Attorney's Office in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing shall endeavor to ensure that the relevant facts and sentencing factors, as applied to the facts, are brought to the District Court's attention fully and accurately, including facts related to the defendant's criminal conduct and related conduct, and

any relevant information concerning the defendant's background, character, and conduct that the District Court may consider under 18 U.S.C. § 3661 in imposing a sentence.

28. Defendant agrees to truthfully and completely execute a Financial Statement (with supporting documentation) prior to sentencing, to be provided to and shared among the Court, the Probation Office, and the United States Attorney's Office regarding all details of his financial circumstances, including his recent income tax returns as specified by the probation officer. Defendant understands that providing false or incomplete information, or refusing to provide this information, may be used as a basis for denial of a reduction for acceptance of responsibility pursuant to Guideline § 3E1.1 and enhancement of his sentence for obstruction of justice under Guideline § 3C1.1, and may be prosecuted as a violation of Title 18, United States Code, Section 1001 or as a contempt of the Court.

29. For the purpose of monitoring defendant's compliance with his obligations to pay a fine and restitution during any term of supervised release to which defendant is sentenced, defendant further consents to the disclosure by the IRS to the Probation Office and the United States Attorney's Office of defendant's individual income tax returns (together with extensions, correspondence, and other tax information) filed subsequent to defendant's sentencing, to and including the final year of any period of supervised release to which defendant is sentenced. Defendant also agrees that a certified copy of this Agreement shall be sufficient evidence of defendant's request to

the IRS to disclose the returns and return information, as provided for in Title 26, United States Code, Section 6103(b).

Other Terms

30. Defendant agrees to cooperate with the United States Attorney's Office in collecting any ordered fine and restitution for which defendant is liable, including providing financial statements and supporting records as requested by the United States Attorney's Office.

31. Defendant understands that, if convicted, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

Conclusion

32. Defendant understands that this Agreement will be filed with the Court, will become a matter of public record, and may be disclosed to any person.

33. Defendant understands that his compliance with each part of this Agreement extends throughout the period of his sentence, and failure to abide by any term of the Agreement is a violation of the Agreement. Defendant further understands that in the event he violates this Agreement, the government, at its option, may move to vacate the Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Agreement, or may move to resentence defendant or require defendant's specific performance of this Agreement. Defendant understands and agrees that in the event that the Court permits defendant

to withdraw from this Agreement, or defendant breaches any of its terms and the government elects to void the Agreement and prosecute defendant, any prosecutions that are not time-barred by the applicable statute of limitations on the date of the signing of this Agreement may be commenced against defendant in accordance with this paragraph, notwithstanding the expiration of the statute of limitations between the signing of this Agreement and the commencement of such prosecutions.

34. Should the judge refuse to accept defendant's plea of guilty, this Agreement shall become null and void and neither party will be bound to it.

35. Defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this Agreement, to cause defendant to plead guilty.

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36. Defendant acknowledges that he has read this Agreement and carefully reviewed each provision with his attorney. Defendant further acknowledges that he understands and voluntarily accepts each and every term and condition of this Agreement.

AGREED THIS DATE: _____

Signed by Aaron R. Bond on behalf of RAHEIM HAMILTON
ANDREW S. BOUTROS
Defendant
United States Attorney

MELODY WELLS
ANN MARIE URSPINI
Assistant U.S. Attorneys

JAMES VANZANT
HOLLY BLAINE
Attorneys for Defendant