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*District of New Jersey*

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September 18, 2015

JMR:Tax\2010R0238  
Gentile.Plea Agreement3

Christopher O'Malley, Esquire  
Assistant Federal Public Defender  
Federal Public Defender's Office  
800-840 Cooper Street, Suite 350  
Camden, NJ 08102

Re: Plea Agreement with Doreen Gentile  
Crim. No. 14-383 (JHR)

Dear Mr. O'Malley:

This letter sets forth the plea agreement between your client, Doreen Gentile, and the United States Attorney for the District of New Jersey ("this Office").

Charge

Conditioned on the understandings specified below, this Office will accept a guilty plea from defendant Doreen Gentile to Counts 2 and 27 of the Indictment, Criminal No. 14-173 (JHR). Count 2 charges Doreen Gentile with mail fraud, in violation of 18 U.S.C. § 1341. Count 27 charges Doreen Gentile with filing false income tax returns, in violation of 18 U.S.C. § 7206(1). If Doreen Gentile enters a guilty plea and is sentenced on these charges, and otherwise fully complies with all of the terms of this agreement, this Office will not initiate any further criminal charges against Doreen Gentile for: (1) her scheme and artifice to defraud clients of her business, Doreen A. Gentile & Associates, wherein she filed false and fraudulent income tax returns with the Internal Revenue Service and directed refunds associated with those false returns be directed to her Post Office Box; (2) forging endorsements on Treasury Checks of the United States; (3) Doreen Gentile's use of names, social security numbers, employer identification numbers, bank account numbers and other personal identifying information; (4) her theft of Social Security Benefits in the name of Victim #1; and (5) her filing false income tax returns for

Doreen Gentile and her husband with the Internal Revenue Service. In addition, if Doreen Gentile fully complies with all the terms of this agreement, at the time of sentencing in this matter, this Office will move to dismiss counts 1, 3 to 26 and 28 of the Indictment, Criminal No. 14-173 (JHR) against Doreen Gentile. 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, defendant 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 Doreen Gentile may be commenced against her, notwithstanding the expiration of the limitations period after Doreen Gentile signs the agreement.

### Sentencing

#### Count 2

The violation of 18 U.S.C. § 1341 to which Doreen Gentile agrees to plead guilty carries a statutory maximum prison sentence of 20 years' imprisonment and a statutory maximum fine equal to the greatest of: (1) \$250,000; (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.

#### Count 27

The violation of 26 U.S.C. § 7206(1) to which Doreen Gentile agrees to plead guilty carries a statutory maximum prison sentence of 3 years' imprisonment and a statutory maximum fine equal to the greatest of: (1) \$250,000; (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 sentence on each count may run consecutively. Fines imposed by the sentencing judge may be subject to the payment of interest.

The sentence to be imposed upon Doreen Gentile is within the sole discretion of the sentencing judge, subject to the provisions of the Sentencing Reform Act, 18 U.S.C. § 3551-3742, and the sentencing judge's consideration of the United States Sentencing Guidelines. The United States Sentencing Guidelines are advisory, not mandatory. The sentencing judge may impose any reasonable sentence up to and including the statutory maximum term of imprisonment and the maximum statutory fine. This Office cannot and does not make any representation or promise as to what guideline range may be found by the sentencing judge, or as to what sentence Doreen Gentile ultimately will receive.

Further, in addition to imposing any other penalty on Doreen Gentile, the sentencing judge: (1) will order Doreen Gentile to pay an assessment of \$100, per count, for a total of \$200,

pursuant to 18 U.S.C. § 3013, which assessment must be paid by the date of sentencing; (2) must order Doreen Gentile to pay restitution pursuant to 18 U.S.C. § 3663 and § 3663A *et seq.*; (3) may order Doreen Gentile, pursuant to 18 U.S.C. § 3555, to give notice to any victims of her offenses; (4) must order forfeiture pursuant to 18 U.S.C. § 982; and (5) pursuant to 18 U.S.C. § 3583, may require Doreen Gentile to serve a term of supervised release of not more than 3 years on Count 2 and not more than 1 year on Count 27, which will begin at the expiration of any term of imprisonment imposed. Should Doreen Gentile be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, Doreen Gentile may be sentenced to not more than 2 years' imprisonment on Count 2 and not more 1 year imprisonment on Count 27 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.

Doreen Gentile specifically agrees that for purposes of sentencing, uncharged offenses and/or dismissed counts will be treated as relevant conduct pursuant to U.S.S.G. § 1B1.3, to the extent that the offenses are related to the counts of conviction.

In addition, Doreen Gentile agrees to make full restitution to Victims #1 through 9 of the Indictment, the Internal Revenue Service and the Social Security Administration for all losses resulting from the offense of conviction or from the scheme, conspiracy, or pattern of criminal activity underlying those offenses. Doreen Gentile also agrees to return to the Victims and other clients of Doreen A. Gentile and Associates any and all financial documents in her possession by the time of sentencing.

#### 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 Doreen Gentile 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 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 Doreen Gentile's activities and relevant conduct with respect to this case.

#### Stipulations

This Office and Doreen Gentile agree to stipulate at sentencing to the statements set forth in the attached Schedule A, which hereby is made a part of this plea agreement. 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. To the extent that the parties do not stipulate to a particular fact or legal conclusion, each reserves the right to argue the existence of and the effect of any such fact or conclusion upon the sentence. Moreover, this agreement to stipulate on the part of this Office is based on the information and evidence that this Office possesses as of the date of this agreement. Thus, if this Office obtains or receives additional evidence or information prior to sentencing that it determines to be credible and to be materially in conflict with any stipulation in the attached Schedule A, this Office shall not be bound by any such stipulation. A determination that any stipulation is not binding shall not release either this Office or Doreen Gentile from any other portion of this agreement, including any other stipulation. If the sentencing court rejects a stipulation, both parties reserve the right to argue on appeal or at post-sentencing proceedings that the sentencing court was within its discretion and authority to do so. These stipulations do not restrict this Office's right to respond to questions from the Court and to correct misinformation that has been provided to the Court.

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

As set forth in Schedule A, this Office and Doreen Gentile waive certain rights to file an appeal, collateral attack, writ, or motion after sentencing, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255.

#### Forfeiture

Doreen Gentile agrees that as part of her acceptance of responsibility and pursuant to 18 U.S.C. § 982 Doreen Gentile will consent to the entry of a forfeiture money judgment in the amount of \$905,004 in United States currency (the "Forfeiture Money Judgment"). Defendant acknowledges that the \$905,004 is subject to forfeiture as property, real or personal, that constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1341, which constitutes a specified unlawful activity within the meaning of 18 U.S.C. § 981(a)(1)(C).

Payment of the Forfeiture Money Judgment shall be made by certified or bank check, with the criminal docket number noted on the face of the check, payable to the United States Marshals Service. On or before the date she enters her plea of guilty pursuant to this agreement, Doreen Gentile shall cause said check to be hand-delivered to the Asset Forfeiture and Money Laundering Unit, United States Attorney's Office, District of New Jersey, 970 Broad Street, Newark, New Jersey 07102.

If the Forfeiture Money Judgment is not paid on or before the date Doreen Gentile enters her plea of guilty pursuant to this agreement, Doreen Gentile consents to the forfeiture of any other property alleged to be subject to forfeiture in the Indictment, including substitute assets, in

full or partial satisfaction of the money judgment, and remains responsible for the payment of any deficiency until the Forfeiture Money Judgment is paid in full.

#### Immigration Consequences

The defendant understands that, if she is not a citizen of the United States, her guilty plea to the charged offenses will likely result in her being subject to immigration proceedings and removed from the United States by making her deportable, excludable, or inadmissible, or ending her naturalization. The defendant understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. The defendant wants and agrees to plead guilty to the charged offenses regardless of any immigration consequences of this plea, even if this plea will cause her removal from the United States. The defendant understands that she is bound by her guilty plea regardless of any immigration consequences of the plea. Accordingly, the defendant waives any and all challenges to her guilty plea and to her sentence based on any immigration consequences, and agrees not to seek to withdraw her guilty plea, or to file a direct appeal or any kind of collateral attack challenging her guilty plea, conviction, or sentence, based on any immigration consequences of her 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 Doreen Gentile. This agreement does not prohibit the United States, any agency thereof (including the Internal Revenue Service), or any third party from initiating or prosecuting any civil or administrative proceeding against Doreen Gentile.


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

No Other Promises

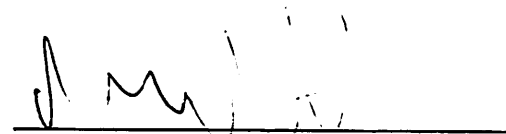
This agreement constitutes the plea agreement between Doreen Gentile and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

Very truly yours,

PAUL J. FISHMAN  
United States Attorney

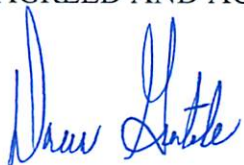
  
BY: JASON M. RICHARDSON  
Assistant U.S. Attorney

APPROVED:

  
R. STEPHEN STIGALL  
Assistant U.S. Attorney  
Attorney-in-Charge, Camden

I have received this letter from my attorney, Christopher O'Malley, Esquire. I have read it. My attorney and I have discussed it and all of its provisions, including those addressing the charge(s), sentencing, stipulations, waiver, forfeiture and immigration consequences. I further understand that I am giving up certain important rights, including my right to trial by jury, my right to appeal the conviction and sentence in this case, and my right to file a petition for habeas corpus pursuant to 28 U.S.C. § 2255. 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.

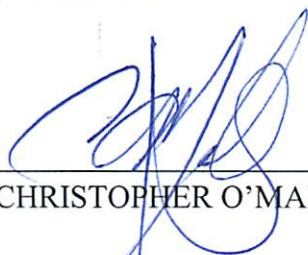
AGREED AND ACCEPTED:



\_\_\_\_\_  
DOREEN GENTILE

Date: 9-29-15

I have discussed with my client this plea agreement and all of its provisions, including those addressing the charge(s), sentencing, stipulations, waiver, forfeiture and immigration consequences. My client understands this plea agreement fully and wants to plead guilty pursuant to it.



\_\_\_\_\_  
CHRISTOPHER O'MALLEY, ESQUIRE

Date: 9-29-15

Plea Agreement With Doreen Gentile

Schedule A

1. This Office and Doreen Gentile recognize that the United States Sentencing Guidelines are not binding upon the Court. This Office and Doreen Gentile nevertheless agree to the stipulations set forth herein.

2. The version of the United States Sentencing Guidelines effective November 1, 2014 applies in this case.

Count 2 – Mail Fraud

3. The applicable guideline provision for the mail fraud offense embodied in the Indictment is set forth in U.S.S.G. § 2B1.1. This guideline carries a Base Offense Level of 7. See U.S.S.G. § 2B1.1(a)(1).

4. The amount of the loss involved in the offense was more than \$400,000 but less than \$1,000,000. Accordingly, the offense level is increased by 14 levels. See U.S.S.G. § 2B1.1(b)(1)(H).

5. Accordingly, the adjusted offense level for Count 2 is 22.

Count 27 – Filing False Income Tax Returns

6. The applicable guideline for filing false income tax returns is U.S.S.G. § 2T1.1. Doreen Gentile's false and fraudulent income tax returns resulted in the following approximate criminal tax losses:

- a. \$53,142 for the tax year 2006,
- b. \$39,849 for the tax year 2007,
- c. \$56,971 for the tax year 2008,
- d. \$38,849 for the tax year 2009.

7. The aggregate criminal tax loss for the above-referenced years totals \$188,811. Pursuant to the Tax Table at U.S.S.G. § 2T4.1, U.S.S.G. § 2T4.1(F) applies because the aggregate tax loss is more than \$80,000 but less than \$200,000.00. Thus, the base offense level is 16.

8. Because Doreen Gentile failed to report or to correctly identify the source of the income exceeding \$10,000 in any year from criminal activity, the base offense is increased 2 levels. See USSG § 2T1.1(b)(1).



9. The application of this guideline results in a base offense level of 18.

#### Combined Offense Level for Offenses

10. Count 2 and Count 27 do not group and are treated as a separate Group pursuant to U.S.S.G. § 3D1.2.

11. The combined group of Counts 2 and 27 has the highest offense level and will be counted as one Unit. See U.S.S.G. § 3D1.4(a). Because Count 27 is between one and four levels less serious than Count 2, one unit is added. Because there are a total of two units, two levels are added to the offense level for Count 2 resulting in a combined adjusted offense level of 24. See U.S.S.G. § 3D1.4.

#### All Counts

12. Because Doreen Gentile was an accountant who stole money from her clients using the tax system and banking system, she abused a position of private trust and used a special skill to accomplish her crime under U.S.S.G. § 3B1.3 and therefore a 2-level increase is warranted.

13. As of the date of this letter, Doreen Gentile has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for the offenses charged. Therefore, a downward adjustment of 2 levels for acceptance of responsibility is appropriate if Doreen Gentile's acceptance of responsibility continues through the date of sentencing. See U.S.S.G. § 3E1.1(a).

14. As of the date of this letter, Doreen Gentile has assisted authorities in the investigation or prosecution of her own misconduct by timely notifying authorities of her intention to enter a plea of guilty, thereby permitting this Office to avoid preparing for trial and permitting this Office and the court to allocate their resources efficiently. At sentencing, this Office will move for a further 1-point reduction in Doreen Gentile's offense level pursuant to U.S.S.G. § 3E1.1(b) if the following conditions are met: (a) Doreen Gentile enters a plea pursuant to this agreement, (b) this Office in its discretion determines that Doreen Gentile's acceptance of responsibility has continued through the date of sentencing and Doreen Gentile therefore qualifies for a 2-point reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a), and (c) Doreen Gentile's offense level under the Guidelines prior to the operation of § 3E1.1(a) is 16 or greater.

15. In accordance with the above, the parties agree that the adjusted Guidelines offense level applicable to Doreen Gentile is 23 (the “agreed total Guidelines offense level”).

16. The parties agree not to seek or argue for any upward or downward departures (at Step II of Sentencing), adjustments or variances not set forth herein. Doreen Gentile reserves the right to move for a reduced sentence pursuant to the relevant factors outlined in 18 U.S.C. § 3553(a)(1) and (2) (at Step III of Sentencing). Specifically, Doreen Gentile reserves the right to argue under the § 3553(a) factors for a sentence below the agreed total Guideline offense level and ask the Court to vary down to a Guideline offense level of 19 and impose a sentence between 30 and 37 months. The United States reserves its right to oppose any such application and argue that a sentence within the agreed total Guideline offense level is reasonable and appropriate.

17. Doreen Gentile knows that she has and, except as noted below in this paragraph, 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 sentence imposed by the sentencing court if that sentence falls within or below the Guidelines range that results from the agreed total Guidelines offense level of 23. This Office will not file any appeal, motion, or writ which challenges the sentence imposed by the sentencing court if that sentence falls within or above the Guidelines range that result from the agreed total Guidelines offense level of 23. The provisions of this paragraph are binding on the parties even if the Court employs a Guidelines analysis different from that stipulated to herein. Furthermore, if the sentencing court accepts a stipulation, both parties waive the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing court erred in doing so.

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