

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

**FILED**  
**JUL 05 2016**  
U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

Criminal Case No. \_\_\_\_\_

v.

**CR 16**

**68 S**

PATRICK CHURCHVILLE

**PLEA AGREEMENT**

Pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, the United States and Defendant, PATRICK CHURCHVILLE, have reached the following agreement:

1. Defendant's Obligations.

a. Defendant will waive presentation of this matter to a grand jury and consent to the filing of a six-count Information which charges defendant with five counts of wire fraud, in violation of 18 U.S.C. § 1343, and one count of tax evasion, in violation of 26 U.S.C. § 7201. Defendant agrees that Defendant will plead guilty to said Information. Defendant further agrees that the time between the filing of this plea agreement and the scheduled date for the change of plea is excludable under the Speedy Trial Act, 18 U.S.C. § 3161.

b. Defendant will promptly submit a completed Department of Justice Financial Statement to the U.S. Attorney's Office, in a form that the U.S. Attorney's Office provides and as it directs. Defendant agrees that his financial statement and disclosures will be complete, accurate, and truthful. Defendant expressly authorizes the U.S. Attorney's Office to obtain a credit report on him in order to evaluate Defendant's ability

to satisfy any financial obligation that may be imposed by the Court.

c. At least two weeks prior to the date of sentencing, the defendant shall file accurate amended U.S. Individual Income Tax Returns, Forms 1040, for the tax years 2011 and 2013. In lieu of filing said income tax returns, the defendant may, at least two weeks prior to the date of sentencing, enter into a closing agreement or other document with the Internal Revenue Service ("IRS") to resolve the assessment of his tax liabilities for tax years 2011 and 2013. The defendant will pay any personal income taxes due and owing to the IRS for tax years 2011 and 2013, including any applicable penalties and interest on such terms and conditions as will be agreed upon between the defendant and the IRS, or as otherwise imposed or assessed by the IRS.

d. The defendant agrees to cooperate fully with the IRS in the assessment and payment of any unpaid personal income taxes, penalties, and interest, including to produce voluntarily all documents or records relating to the assessment, payment, and/or collection of said taxes, penalties, and/or interest, as requested by the IRS.

e. Defendant will interpose no objection to the entry of an order under Rule 6(e) authorizing disclosure of those documents, testimony and related investigative materials which may constitute grand jury material but which relate to the computation of personal income taxes, penalties, and interest due and owing.

2. Government's Obligations. In exchange for Defendant's pleas of guilty:

a. The government will recommend that the Court impose a term of imprisonment within the range of sentences for the offense level determined by the Court under the United States Sentencing Guidelines (the U.S.S.G. or "guidelines") but not including probation or a "split-sentence," even if permitted under the guidelines.

b. For purposes of determining the offense level, the government agrees to recommend a two-level reduction in the offense level for acceptance of responsibility under § 3E1.1(a) of the guidelines if defendant continues to demonstrate acceptance of responsibility through sentencing.

c. As of the date of this agreement, defendant has timely notified authorities of an intention to enter a plea of guilty. If the offense level is 16 or greater and defendant enters a plea of guilty pursuant to this agreement, the government will move the sentencing Court for an additional decrease of one level, pursuant to U.S.S.G. § 3E1.1(b)(2), unless Defendant indicates an intention not to enter a plea of guilty, thereby requiring the government to prepare for trial.

d. The government is free to recommend any combination of supervised release, fines, and restitution which it deems appropriate.

3. Defendant understands that the guidelines are not binding on the Court, and that, although the Court must consult the guidelines in fashioning any sentence in this case, the guidelines are only advisory, and the Court may impose any reasonable sentence in this matter up to the statutory maximum penalties after taking into account the factors enumerated in 18 U.S.C. § 3553(a).

4. The United States and defendant stipulate and agree to the following facts under the guidelines:

a. The tax loss pursuant to U.S.S.G. § 2T4.1(F) for Count 6, the 2011 tax year, and including relevant conduct for tax year 2013 is the following:

2011	\$820,528
2013	\$390,432
<hr/>	
Total	\$1,210,960

b. The defendant agrees that the loss amount on Count 1 of the Information is \$2.5 million.

c. The parties disagree as to the loss amount in Counts 2-5 of the information and reserve their rights to present evidence and arguments on the appropriate loss amounts and relevant conduct relating to those counts.

5. Except as expressly provided in the preceding paragraph, there is no agreement as to which Offense Level and Criminal History Category applies in this case. Both the United States and defendant reserve their rights to argue and present evidence on all matters affecting the guidelines calculation.

6. The maximum statutory penalties for the offenses to which Defendant is pleading are:

**Counts 1 through 5**

Each - A term of imprisonment of not more than 20 years, a fine of \$250,000, or twice the pecuniary gain or loss, a term of supervised release of 3 years, and a mandatory special assessment of \$100.



**Count 6**

A term of imprisonment of not more than five years, a fine of up to \$100,000, a term of supervised release of 3 years, and a mandatory special assessment of \$100.

Thus, if imposed consecutively, the maximum penalties for all offenses to which defendant is pleading guilty are 105 years imprisonment; a fine of \$1,350,000; and a term of supervised release of 3 years. The mandatory special assessment totals \$600.

7. Defendant agrees that, after defendant and defendant's counsel sign this plea agreement, counsel will return it to the United States Attorney's Office along with a money order or certified check, payable to the Clerk, United States District Court, in payment of the special assessments. Failure to do so, unless the Court has made a previous finding of indigence, will relieve the government of its obligation to recommend a reduction in the offense level under the guidelines for acceptance of responsibility.

8. Defendant is advised and understands that:

- a. The government has the right, in a prosecution for perjury or making a false statement, to use against Defendant any statement that defendant gives under oath;
- b. Defendant has the right to plead not guilty, or having already so pleaded, to persist in that plea;
- c. Defendant has the right to a jury trial;
- d. Defendant has the right to be represented by counsel and if necessary have the Court appoint counsel at trial and every other stage of the proceeding;

e. Defendant has the right at trial to confront and cross-examine adverse witnesses, to be protected from self-incrimination, to testify and present evidence, and to compel the attendance of witnesses; and

f. Defendant waives these trial rights if the Court accepts a plea of guilty.

9. The government reserves its full right of allocution, including the right to present any information to the Court for its consideration in fashioning an appropriate sentence, the right to correct misstatements, misrepresentations, or omissions by defendant, and to answer any questions asked by the Court.

10. Except for paragraph 2 and paragraph 4 above, the parties have made no agreement concerning the application of the guidelines in this case.

11. Defendant understands that the Court alone makes all sentencing decisions, including the application of the guidelines and the sentence to be imposed. The Court is not bound by the parties' stipulations of fact, offense level adjustments, or the government's recommendations. The Court is free to impose any sentence it deems appropriate up to and including the statutory maximum. Defendant also understands that even if the Court's guideline determinations and sentence are different than defendant expects, defendant will not be allowed to withdraw defendant's pleas of guilty.

12. Defendant hereby waives defendant's right to appeal the convictions and sentences imposed by the Court, if the sentences imposed by the Court are within or below the sentencing guideline range determined by the Court. This agreement does not affect the rights or obligations of the United States as set forth in 18 U.S.C. § 3742(b), and the government retains its right to appeal any of the Court's sentencing determinations.

13. This agreement is binding on the government only if defendant pleads guilty, fulfills all defendant's obligations under the agreement, does not engage in any conduct constituting obstruction of justice under § 3C1.1 of the guidelines, and does not commit any new offenses. Defendant understands that if defendant violates this agreement in any way, the government shall be released from its obligations under the agreement and will be free to make any recommendations that it deems appropriate. If that occurs, defendant shall not have the right to withdraw defendant's guilty plea.

14. This agreement is limited to the District of Rhode Island and does not bind any other federal, state, or local prosecutive authorities.

15. This agreement constitutes the entire agreement between the parties. No other promises or inducements have been made concerning the plea in this case. Defendant acknowledges that no person has, directly or indirectly, threatened or coerced defendant to enter this agreement. Any additions, deletions, or modifications to this agreement must be made in writing and signed by all the parties in order to be effective.

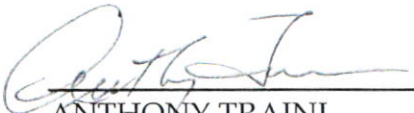
16. Counsel for defendant states that Counsel has read this agreement, been given a copy of it for Counsel's file, explained it to defendant, and states that to the best of Counsel's knowledge and belief, defendant understands the agreement.

17. Defendant states that defendant has read the agreement or has had it read to defendant, has discussed it with defendant's Counsel, understands it, and agrees to its provisions.



PATRICK CHURCHVILLE  
Defendant

7/1/2016  
Date

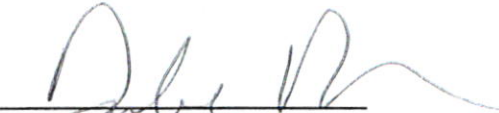


ANTHONY TRAINI  
Counsel for Defendant

7/1/16  
Date

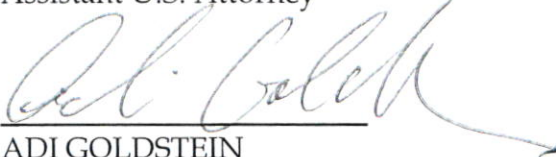
Michael J. Lepizzera, Jr.  
MICHAEL J. LEPIZZERA, JR.  
Counsel for Defendant

July 1, 2016  
Date



DULCE DONOVAN  
Assistant U.S. Attorney

7/1/16  
Date



ADI GOLDSTEIN  
Assistant U.S. Attorney  
Chief, Criminal Division

July 1, 2016  
Date