

FILED

VANESSA L. ARMSTRONG, CLERK

AUG ~ 7 2017

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

UNITED STATES OF AMERICA

U.S. DISTRICT COURT  
WEST'N. DIST. PLANTIFF  
KENTUCKY

v.

CRIMINAL NO. 3:16-CR-00061-JHM

GLENN C. RICHARDSON

DEFENDANT

**PLEA AGREEMENT**

Pursuant to Rule 11(c)(1) (A) and (B) of the Federal Rules of Criminal Procedure, the United States of America, by John E. Kuhn, Jr., United States Attorney for the Western District of Kentucky, and defendant, Glenn C. Richardson, and his attorney, John J. Llewellyn, have agreed upon the following:

1. Defendant acknowledges that he has been charged in the Indictment in this case with violations of Title 18, United States Code, Section 1343.
2. Defendant has read the charges against him contained in the Indictment, and those charges have been fully explained to him by his attorney. Defendant fully understands the nature and elements of the crimes with which he has been charged.
3. Defendant will enter a voluntary plea of guilty to Count 8 in this case.

Defendant will plead guilty because he is in fact guilty of the charge. The parties agree to the following factual basis for this plea:

Beginning no later than January 2005, and continuing to in or about September 2011, in the Western District of Kentucky, and elsewhere, the Defendant, Glenn C. Richardson, engaged in a scheme to defraud and to obtain money by means of false representations, and transmitted or caused to be transmitted by wire in interstate commerce facsimile transmissions for the purpose of executing the scheme, thereby affecting a financial institution. More specifically, the Defendant deposited monies payable to his employer, Iceland Sports Complex, LLC, in a

bank account in the name of Karen Richardson, d/b/a Louisville Storm, in the total amount of at least \$553,631.02, diverting these funds to his personal use or that of his family, and concealed his use of these funds by sending revenue statements by facsimile transmissions from Kentucky to Michigan, which underreported the amount of Iceland Sports Complex's daily revenue.

4. Defendant understands that the charge to which he will plead guilty carries a maximum term of imprisonment of 30 years, a maximum fine of \$1,000,000, and a term of supervised release of up to five years. Defendant understands that an additional term of imprisonment may be ordered if the terms of the supervised release are violated, as explained in 18 U.S.C. § 3583.

5. Defendant understands that if a term of imprisonment of more than one year is imposed, the Sentencing Guidelines require a term of supervised release and that he will then be subject to certain conditions of release. §§5D1.1, 5D1.2, 5D1.3.

6. Defendant understands that by pleading guilty, he surrenders certain rights set forth below. Defendant's attorney has explained those rights to him and the consequences of his waiver of those rights, including the following:

A. If defendant persists in a plea of not guilty to the charges against him, he has the right to a public and speedy trial. The trial could either be a jury trial or a trial by the judge sitting without a jury. If there is a jury trial, the jury would have to agree unanimously before it could return a verdict of either guilty or not guilty. The jury would be instructed that defendant is presumed innocent and that it could not convict him unless, after hearing all the evidence, it was persuaded of defendant's guilt beyond a reasonable doubt.

B. At a trial, whether by a jury or a judge, the United States 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. In turn, 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.

C. At a trial, defendant would have a privilege against self-incrimination and he could decline to testify, without any inference of guilt being drawn from his refusal to testify. If defendant desired to do so, he could testify in her own behalf.

7. Defendant understands that the United States Attorney's Office has an obligation to inform the District Court and the United States Probation Office of all facts pertinent to the sentencing process, and to respond to all legal or factual inquiries that might arise either before, during, or after sentencing. Defendant admits all acts and essential elements of the indictment counts to which he pleads guilty.

8. The parties agree that the mandatory restitution provision in 18 U.S.C. § 3663A(c)(1)(A)(ii) does not apply in this case because determining complex issues of fact related to the exact amount of the victim's losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to the victim is outweighed by the burden on the sentencing process. 18 U.S.C. § 3663A(c)(3)(B). The victim company, Iceland Sports Complex, LLC, has a civil suit pending in Jefferson Circuit Court, 12-CI-05397, against various defendants, including the Defendant, Glenn C. Richardson, and amount and apportionment of damages and/or restitution can be better addressed in that forum.

9. Defendant acknowledges liability for the special assessment mandated by 18 U.S.C. § 3013 and will pay the assessment in the amount of \$100.00 to the United States District Court Clerk's Office by the date of sentencing.

10. At the time of sentencing, the United States will

- move for dismissal of Counts 1-7 of the Indictment.
- recommend a sentence of imprisonment at the lowest end of the applicable Guideline Range.
- recommend a reduction of 3 levels below the otherwise applicable Guideline for "acceptance of responsibility" as provided by §3E1.1(a) and (b), provided the defendant does not engage in future conduct which violates any federal or state law, violates a condition of bond, constitutes obstruction of justice, or otherwise demonstrates a lack of acceptance of responsibility. Should such conduct occur and the United States, therefore, opposes the reduction for acceptance, this plea agreement remains binding and the defendant will not be allowed to withdraw his plea.
- stipulate that the amount of loss involved in this case is more than \$550,000, but not more than \$1,500,000.

11. Both parties have independently reviewed the Sentencing Guidelines applicable in this case, and in their best judgment and belief, conclude as follows:

A. The Applicable Offense Level should be determined as follows:

<b>Base Offense Level (USSG §2B1.1(a)(1))</b>	<b>7</b>
<b>Loss More Than \$550,000 (USSG §2B1.1(b)(1)(H))</b>	<b>+14</b>
<b>Offense Level</b>	<b>21</b>
<b>Acceptance of Responsibility (USSG §3E1.1)</b>	<b>- 3</b>
<b>Total Adjusted Offense Level</b>	<b>18</b>

B. The Criminal History of defendant shall be determined upon completion of the presentence investigation, pursuant to Fed. R. Crim. P. 32(c).

C. The foregoing statements of applicability of sections of the Sentencing Guidelines and the statement of facts are not binding upon the Court. The defendant understands the Court will independently calculate the Guidelines at sentencing and defendant may not withdraw the plea of guilty solely because the Court does not agree with either the statement of facts or Sentencing Guideline application.

12. Defendant is aware of his right to appeal his conviction and that 18 U.S.C. § 3742 affords a defendant the right to appeal the sentence imposed. Unless based on claims of ineffective assistance of counsel or prosecutorial misconduct, the Defendant knowingly and voluntarily waives the right (a) to directly appeal his conviction and the resulting sentence pursuant to Fed. R. App. P. 4(b) and 18 U.S.C. § 3742, and (b) to contest or collaterally attack his conviction and the resulting sentence under 28 U.S.C. § 2255 or otherwise.

13. The defendant hereby waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act of 1974, 5 U.S.C. § 552a.

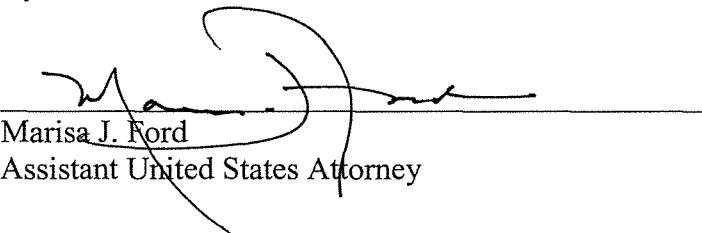
14. It is understood that pursuant to Fed. R. Crim. P. 11(c)(1)(B), the recommendations of the United States are not binding on the Court. In other words, the Court is not bound by the sentencing recommendation and defendant will have no right to withdraw his guilty plea if the Court decides not to accept the sentencing recommendation set forth in this Agreement.

15. This document and the supplemental plea agreement state the complete and only Plea Agreements between the United States Attorney for the Western District of Kentucky and defendant in this case, and are binding only on the parties to this Agreement, supersedes all prior understandings, if any, whether written or oral, and cannot be modified other than in writing that are signed by all parties or on the record in Court. No other promises or inducements have been or will be made to defendant in connection with this case, nor have any predictions or threats been made in connection with this plea.

AGREED:

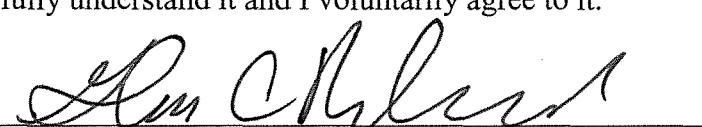
JOHN E. KUHN, JR.  
United States Attorney

By:

  
Marisa J. Ford  
Assistant United States Attorney

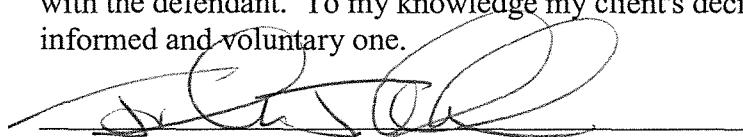
8/7/2017  
Date

I have read this Agreement and carefully reviewed every part of it with my attorney. I fully understand it and I voluntarily agree to it.

  
Glenn C. Richardson  
Defendant

8/7/2017  
Date

I am the defendant's counsel. I have carefully reviewed every part of this Agreement with the defendant. To my knowledge my client's decision to enter into this Agreement is an informed and voluntary one.

  
John J. Llewellyn  
Counsel for Defendant

8/7/2017  
Date

JEK:MFJ