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Violent Crimes and Terrorism Section
United States Attorney's Office
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DISCOVERY IN FEDERAL CRIMINAL CASES

I. Discovery Obligations of the Government

A. Federal Rules of Criminal Procedure Rule 16(a) - In General

1. Upon Request (not practice in EDNY)
2. Continuing duty to disclose
3. In EDNY, discovery waived in "Fast Track" cases - airport courier cases
4. Sanctions for failure to disclose (FRCP Rule 16(d)(2))
 - a. Court may order disclosure
 - b. Continuance
 - c. Exclusion of evidence - usually requires wilful, deliberate, flagrant failure to disclose. See, e.g., *Tyson v. Trigg*, 50 F.3d 436, 457 (7th Cir. 1995)
 - d. Mistrial
 - e. Dismissal (with or without prejudice). See, e.g., *United States v. Council*, 973 F. 2d 251, 253-54 (4th Cir. 1992)
 - f. Reversal on Appeal

B. Statements of the Defendant - FRCP Rule 16(a)(1)(A))

1. Must be relevant to defense - does not cover defendant's statements unrelated to the crime charged

2. Not co-defendant's statements - subject to Bruton disclosures
3. Defendant's Written Statements
 - a. No interrogation requirement. See, e.g. *United States v. Matthews*, 20 F.3d 538,550 (2d Cir. 1994) (written statement to cellmate discoverable under Rule 16)
 - b. May include written verbatim transcription of oral statement. See, e.g., *United States v. Walk*, 533 F.2d 417, 418 (9th Cir. 1975)
4. Defendant's Recorded Statements
 - a. Includes recordings of electronic surveillance (not line sheets, applications, affidavits) although usually turned over
 - b. Consensual tapes with accomplices
 - c. Jail house recorded telephone calls
 - d. Transcripts not required but, as practical matter, usually provided as they become available, for tapes government intends to introduce
5. Oral Statements
 - a. Only to person defendant knew was a law enforcement officer. See, e.g., *In re United States*, 834 F.2d 283, 284 (2d Cir. 1987)
 1. Has to know was talking to cop/agent
 2. Usually, does not include statements to U/C's, CI's, C/W's
 - b. Only during interrogation. See, e.g., *United States v. Kusek*, 844 F.2d 942, 948-49 (2d Cir. 1988). As a practical matter, usually turned over to permit suppression motion.
 - c. Oral statements of defendant to another witness (i.e., cooperator) not discoverable under Rule 16.
6. Grand Jury Testimony
 - a. Corporate defendant is entitled to grand jury testimony of any of its directors, officers, employees and agents (a) who at the time of the statement were in a position to legally bind the corporation or

(b) at the time of the offense were personally involved in the alleged conduct and were able to bind the corporation.

C. Defendant's Prior Criminal Record (FRCP Rule 16(a)(1)(B))

1. Rap Sheet is all that's required.
 - a. May not show Y.O. Adjudications which could count for criminal history computation under U.S.S.G.
 - b. May not show out of state convictions which would count count for criminal history under U.S.S.G.

D. Documents and Tangible Objects (FRCP Rule 16(a)(1)(C))

1. Intended for Use in the Government's Case-In-Chief
 - a. Must be material to government's case or trial defense.
 - b. Evidence to be used only in rebuttal not discoverable. See, e.g., *United States v. Delia*, 944 F.2d 1010, 1017-18 (2d Cir. 1991).
 - c. Evidence to be used only to impeach not discoverable. See, e.g., *United States v. Stevens*, 985 F.2d 1175, 1180 (2d Cir. 1993).
2. Items recovered from defendant - no showing of materiality required.
3. Only items in possession, custody, control of government discoverable
 - a. Includes federal agency known to prosecutor who which participated in the investigation.
 - b. Things in control of state or foreign government or private parties not discoverable unless part of investigative team.

E. Reports of Examinations and Tests (FRCP Rule 16(a)(1)(D))

1. Broad Scope - includes drug analysis, handwriting reports, fingerprints, DNA
2. Report must exist - no requirement to create a report or outline testimony of a witness (but see Rule 16(a)(1)(E) below)

3. Only Written Reports - not preliminary notes, drafts.
4. Only for tests expected to be used in the government's case-in-chief.
5. Must be in possession of the government

F. **Expert Witnesses** (FRCP Rule 16(a)(1)(E))

1. Government must disclose names and qualifications of experts in case-in-chief.
2. Summary of expected testimony and basis for opinion. Specificity depends on how technical evidence will be

II. **Protective Orders** (FRCP Rule 16(d)(1))

- A. Often Ex Parte

III. **Items not covered by Rule 16**

- A. Witness List - except in capital cases - see 18 U.S.C. §3432.
- B. Criminal Records of Witnesses (subject to Giglio)
- C. Work Product (AUSA notes)
- D. Statements of Government Witnesses (3500/Jenks Act Material/Rule 26.2)
- E. Evidence to Impeach Defendant - see FRE Rule 608

IV. **Giglio Material**

- A. Usually produced Friday before trial with witness list and 3500 material
- B. Includes:
 1. Witnesses' Plea Agreements and Cooperation Agreements
 2. Agreements not to Prosecute (Non-Prosecution Agreements)
 3. Pending Charges in this or other jurisdictions
 4. Agreements not to Prosecute Family Members
 5. Agreements to pay money to relocate, witsec, etc.

6. Other benefits - phone calls, magazines
7. Criminal Record
8. Prior false statements - investigators, police, grand jury

V. **404(b) Material**

- A. Similar to NY State Molineaux evidence
- B. No set time frame
 1. varies by case/judge
 2. Notice must be sufficiently in advance of trial to be useful
 3. Only general nature of the evidence, not names of witnesses

VI. **3500/Jenks Act Material**

- A. Similar to NY State Rosario material
- B. Timing of Disclosure
 1. Technically not required to be disclosed until after witness' direct examination
 - 2.. Usually provided Friday before trial/hearing. Judge cannot order earlier disclosure but can grant defense request for a continuance
- C. Must be in Government's Possession
 1. Unclear whether includes statements to U.S. Probation Department
 2. Does not include statements to state investigators or police unless joint investigation or in government's possession
- D. Includes Only Statement or Report by Government Witness that Relates to Subject Matter of Testimony
 1. Includes:
 - a. Written statement of witness signed or adopted by witness
 - b. Substantially verbatim recital or an oral statement recorded

contemporaneously with making of the oral statement, e.g.,
FBI 302 report.

- c. Grand Jury transcripts
- 2. Does not include
 - a. Agent notes in EDNY
 - b. Lawyer notes
- E. Sanctions
 - 1. Striking testimony of witness
 - 2. Waived if not timely brought to attention of the trial judge. See, e.g.,
United States v. MacKenzie, 768 F.2d 602, 607-08 (5th Cir. 1985)

VII. Other “Discovery” Devices

- A. Bill of Particulars
- B. Roviario
 - 1. Qualified privilege to withhold identify of CI/CW except
 - a. Disclosure of the CI’s communications will not reveal identify of
CI
 - b. the identity is already known
 - c. identify of the CI is relevant and helpful to the defense
(entrapment)

VII. **Defendant's Discovery Obligations**

- A. **Documents and Tangible Objects** (FRCP Rule 16(b)(1)(A))
- B. **Reports of Examinations and Tests** (FRCP Rule 16(b)(1)(B))
- C. **Expert Witnesses** (FRCP Rule 16(b)(1)(C))
- D. What is not discoverable
 - 1. Work Product
 - 2. Statements of the defendant or his attorney's
- E. **3500/Jenks Act Material**
 - 1. Exactly same as Government
 - 2. Applies to Suppression/Detention/Sentencing Hearings
- F. **Rules 12.1, 12.2, 12.3**
 - 1. **Alibi Notice** under FRCP Rule 12.1
 - a. Within 10 days of written demand from Government.
 - b. Continuing Obligation
 - c. Requires name and address of alibi witnesses (may trigger reciprocal discovery from government)
 - 2. **Insanity Defense Notice** under FRCP Rule 12.2
 - a. Must file notice of defense of mental condition
 - b. Must disclose expert reports under Rule 16
 - 3. **Public Authority Defense** under FRCP Rule 12.3
 - a. Timing requirements

PROFFER AGREEMENT

With respect to the meeting of _____ ("Client") and his attorney, _____, Esq., with Patricia E. Notopoulos of the United States Attorney's Office, and _____ of the _____ held at the offices of the United States Attorney for the Eastern District of New York ("the Office") on _____ ("the meeting"), the following understandings exist:

(1) In any prosecution brought against Client by the Office, except a prosecution for false statements, obstruction of justice, or perjury with respect to acts committed or statements made at or after the meeting, the Office will not offer in evidence any statements made by Client at the meeting (A) in its case-in-chief or (B) at sentencing. The Office will, to the extent it believes it is required by law, notify the Probation Department and the Court in connection with sentencing of any statements made by Client at the meeting. If such notification is made, the Office also will notify the Probation Department and the Court of the Office's agreement not to offer in evidence any such statements at sentencing.

(2) Notwithstanding paragraph (1) above, the Office may use any statements made by Client: (A) to obtain leads to other evidence, which evidence may be used by the Office in any stage of a criminal prosecution (including but not limited to detention hearing, trial or sentencing), civil or administrative proceeding, (B) as substantive evidence to cross-examine Client, should Client testify, and (C) as substantive evidence to rebut, directly or indirectly, any evidence offered or elicited, or factual assertions made, by or on behalf of Client at any stage of a criminal prosecution (including but not limited to detention hearing, trial or sentencing).

(3) Notwithstanding any of the foregoing, in the event the Client seeks to qualify for a reduction in sentence under 18 U.S.C. § 3553(f) or Sentencing Guideline §§ 2D1.1(b)(6) or 5C1.2, paragraphs (1) and (2) will not apply at sentencing to any statements made by Client at the meeting, and the Court can rely on all statements by Client in sentencing the Client.

death penalty

(4) It is further understood that this agreement is limited to the statements made by Client at the meeting and does

KTC:MJF
F. #2007R00916

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

PLEA AGREEMENT

- against -

07-CR-371 (ERK)

JERRY LECONTE,

Defendant.

- - - - -X

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States Attorney's Office for the Eastern District of New York (the "Office") and JERRY LECONTE (the "defendant") agree to the following:

1. The defendant will plead guilty to Count One of the above-captioned indictment, charging a violation of 21 U.S.C. § 841(a)(1). The count carries the following statutory penalties:

- a. Maximum term of imprisonment: 20 years
(21 U.S.C. §§ 841(a)(1), 841(b)(1)(C)).
- b. Minimum term of imprisonment: 0 years
(21 U.S.C. §§ 841(a)(1), 841(b)(1)(C)).
- c. Maximum supervised release term: 3 years, to follow any term of imprisonment; if a condition of release is violated, the defendant may be sentenced to up to 2 years without credit for pre-release imprisonment or time previously served on post-release supervision
(18 U.S.C. § 3583(b), (e)).
- d. Maximum fine: \$1,000,000
(21 U.S.C. §§ 841(b)(1)(C))

- e. Restitution: N/A
(18 U.S.C. § 3663).
- f. \$100 special assessment
(18 U.S.C. § 3013).

2. The defendant understands that although imposition of a sentence in accordance with the United States Sentencing Guidelines (the "Guidelines") is not mandatory, the Guidelines are advisory and the Court is required to consider any applicable Guidelines provisions as well as other factors enumerated in 18 U.S.C. § 3553(a) to arrive at an appropriate sentence in this case. The Office will advise the Court and the Probation Department of information relevant to sentencing, including criminal activity engaged in by the defendant, and such information may be used by the Court in determining the defendant's sentence. The Office estimates the likely adjusted offense level under the Guidelines to be level 20, which is predicated on the following Guidelines calculation:

Base Offense Level (2D1.1(c)(9))	22
Less: Acceptance of Responsibility (3E1.1(b))	<u>-2</u>
Total:	20

This level carries a range of imprisonment of 33 to 41 months, assuming that the defendant falls in Criminal History Category I. If the defendant pleads guilty on or before October 16, 2007, the government will move the Court, pursuant to U.S.S.G. § 3E1.1(b), for an additional one-level reduction, resulting in an adjusted offense level of 19. This level carries a range of imprisonment of

30 to 37 months, assuming that the defendant falls in Criminal History Category I. The defendant hereby waives his right to withdraw his guilty plea pursuant to Rule 11(d)(1) of the Federal Rules of Criminal Procedure.

3. The Guidelines estimate set forth in paragraph 2 is not binding on the Office, the Probation Department or the Court. If the Guidelines offense level advocated by the Office, or determined by the Probation Department or the Court, is different from the estimate, the defendant will not be entitled to withdraw the plea.

4. The defendant agrees not to file an appeal or otherwise challenge the conviction or sentence under 18 U.S.C. § 2255 or other provision in the event that the Court imposes a term of imprisonment of 41 months or below. This waiver is binding without regard to the sentencing analysis used by the Court. The defendant waives all defenses based on the statute of limitations and venue with respect to any prosecution that is not time-barred on the date that this agreement is signed in the event that (a) the defendant's conviction is later vacated for any reason, (b) the defendant violates this agreement, or (c) the defendant's plea is later withdrawn. The defendant waives any right to additional disclosure from the government in connection with the guilty plea. The defendant agrees that with respect to all charges referred to in paragraphs 1 and 5(a) he is not a "prevailing party" within the meaning of the "Hyde Amendment," 18 U.S.C. § 3006A note, and will

not file any claim under that law. The defendant agrees to pay the special assessment by check payable to the Clerk of the Court at or before sentencing.

5. The Office agrees that:

- a. no further criminal charges will be brought against the defendant for his distribution of cocaine base on June 21, 2006, September 6, 2006 and September 13, 2006 it being understood that this agreement does not bar the use of such conduct as a predicate act or as the basis for a sentencing enhancement in a subsequent prosecution including, but not limited to, a prosecution pursuant to 18 U.S.C. §§ 1961 et seq.; and, at the time of sentence, it will move to dismiss the remaining counts of the indictment with prejudice;

and, based upon information now known to the Office, it will

- b. not to seek a sentence above the high end of the Guidelines range set forth in paragraph 2.

If information relevant to sentencing, as determined by the Office, becomes known to the Office after the date of this agreement, the Office will not be bound by paragraph 5(b). Should it be judged by the Office that the defendant has violated any provision of this agreement, the defendant will not be released from the defendant's plea of guilty but this Office will be released from its obligations under this agreement, including but not limited to (a) moving for the additional one-level downward adjustment for timely acceptance of responsibility described in paragraph 2 above, and (b) the provisions of paragraphs 5(a)-(b).

6. This agreement does not bind any federal, state, or local prosecuting authority other than the Office, and does not

prohibit the Office from initiating or prosecuting any civil or administrative proceedings directly or indirectly involving the defendant.

7. No promises, agreements or conditions have been entered into by the parties other than those set forth in this agreement and none will be entered into unless memorialized in writing and signed by all parties.

This agreement supersedes all prior promises, agreements or conditions between the parties. To become effective, this agreement must be signed by all signatories listed below.

Dated: Brooklyn, New York
, 2007

ROSLYNN R. MAUSKOPF
United States Attorney
Eastern District of New York

By: _____
Brian Meagher
Special Assistant U.S. Attorney

Approved by:

Morris J. Fodeman
Supervising Assistant U.S. Attorney

I have read the entire agreement and discussed it with my attorney. I understand all of its terms and am entering into it knowingly and voluntarily.

JERRY LECONTE
Defendant

Approved by:

William Stampur, Esq.
Attorney for the defendant

TH:MJF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

COOPERATION AGREEMENT

- against -

XXXXXXXXXX (S-1)(CBA)

XXXXXXXXXX XXXXXXXXXXXX,

Defendant.

- - - - -X

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States Attorney's Office for the Eastern District of New York (the "Office") and XXXXXXXXXXXX XXXXXXXXXXXX (the "defendant") agree to the following:

1. The defendant will waive indictment and plead guilty to the above-captioned superseding information charging two counts of conspiring to distribute and possess with intent to distribute narcotics in violation of 21 U.S.C. § 846. The counts carry the following statutory penalties:

Count One - Crack Conspiracy

- a. Maximum term of imprisonment: life (21 U.S.C. § 841(b)(1)(A)(iii)).
- b. Minimum term of imprisonment: 10 years (21 U.S.C. § 841(b)(1)(A)(iii)).
- c. Minimum supervised release term: 5 years, maximum supervised release term: life, to follow any term of imprisonment; if a condition of release is violated, the defendant may be sentenced to up to 5 years without credit for pre-release imprisonment or time previously served on post-release

supervision
(18 U.S.C. § 3583(e); 21 U.S.C. § 841).

- d. Maximum fine: \$4,000,000
(21 U.S.C. § 841(b)(1)(A)).
- e. Restitution: N/A
(18 U.S.C. § 3663).
- f. \$100 special assessment
(18 U.S.C. § 3013).

Count Two - Heroin Conspiracy

- a. Maximum term of imprisonment: life
(21 U.S.C. § 841(b)(1)(A)(i)).
- b. Minimum term of imprisonment: 10 years
(21 U.S.C. § 841(b)(1)(A)(i)).
- c. Minimum supervised release term: 5 years, maximum supervised release term: life, to follow any term of imprisonment; if a condition of release is violated, the defendant may be sentenced to up to 5 years without credit for pre-release imprisonment or time previously served on post-release supervision
(18 U.S.C. § 3583(e); 21 U.S.C. § 841).
- d. Maximum fine: \$4,000,000
(21 U.S.C. § 841(b)(1)(A)).
- e. Restitution: N/A
(18 U.S.C. § 3663).
- f. \$100 special assessment
(18 U.S.C. § 3013).

The defendant understands that the sentences imposed for each of the two counts of the superseding information may be imposed to run consecutively to one another.

2. The defendant understands that although imposition of a sentence in accordance with the United States Sentencing Guidelines (the

"Guidelines") is not mandatory, the Guidelines are advisory and the Court is required to consider any applicable Guidelines provisions as well as other factors enumerated in 18 U.S.C. § 3553(a) to arrive at an appropriate sentence in this case. The Office will advise the Court and the Probation Department of information relevant to sentencing, including all criminal activity engaged in by the defendant, and such information may be used by the Court in determining the defendant's sentence. Based on information known to it now, the Office will not oppose a downward adjustment of two levels for acceptance of responsibility under U.S.S.G. § 3E1.1. Additionally, if the defendant pleads guilty on or before July 27, 2007, the government will move the Court, pursuant to U.S.S.G. § 3E1.1(b), for an additional one-level reduction of the defendant's offense level for early acceptance of responsibility.

3. The defendant will provide truthful, complete and accurate information and will cooperate fully with the Office.

This cooperation will include, but is not limited to, the following:

- a. The defendant agrees to be fully debriefed and to attend all meetings at which his presence is requested, concerning his participation in and knowledge of all criminal activities.
- b. The defendant agrees to furnish to the Office all documents and other material that may be relevant to the investigation and that are in the defendant's possession or control and to participate in undercover activities pursuant to the specific instructions of law enforcement agents or this Office.

- c. The defendant agrees not to reveal his cooperation, or any information derived therefrom, to any third party without prior consent of the Office.
- d. The defendant agrees to testify at any proceeding in the Eastern District of New York or elsewhere as requested by the Office.
- e. The defendant consents to adjournments of his sentence as requested by the Office.

4. The Office agrees that:

- a. Except as provided in paragraphs 1, 8 and 9, no criminal charges will be brought against the defendant for his heretofore disclosed participation in criminal activity involving his possession, distribution and use of cocaine base and heroin from January 2001 through April 2007; or his sale of a firearm in approximately January 2007 or his possession of that firearm since April 2002.
- b. No statements made by the defendant during the course of this cooperation will be used against him except as provided in paragraphs 2, 8, and 9.

5. The defendant agrees that the Office may meet with and debrief him without the presence of counsel, unless the defendant specifically requests counsel's presence at such debriefings and meetings. Upon request of the defendant, the Office will endeavor to provide advance notice to counsel of the place and time of meetings and debriefings, it being understood that the Office's ability to provide such notice will vary according to time constraints and other circumstances. The Office may accommodate requests to alter the time and place of such debriefings. It is understood, however, that any cancellations or reschedulings of debriefings or meetings requested by the defendant that hinder the Office's ability to prepare adequately for

trials, hearings or other proceedings may adversely affect the defendant's ability to provide substantial assistance. Matters occurring at any meeting or debriefing may be considered by the Office in determining whether the defendant has provided substantial assistance or otherwise complied with this agreement and may be considered by the Court in imposing sentence regardless of whether counsel was present at the meeting or debriefing.

6. If the Office determines that the defendant has cooperated fully, provided substantial assistance to law enforcement authorities and otherwise complied with the terms of this agreement, the Office will file a motion pursuant to U.S.S.G. § 5K1.1 and 18 U.S.C. § 3553(e) with the sentencing Court setting forth the nature and extent of his cooperation. Such a motion will permit the Court, in its discretion, to impose a sentence below any applicable mandatory minimum sentence. In this connection, it is understood that a good faith determination by the Office as to whether the defendant has cooperated fully and provided substantial assistance and has otherwise complied with the terms of this agreement, and the Office's good faith assessment of the value, truthfulness, completeness and accuracy of the cooperation, shall be binding upon him. The defendant agrees that, in making this determination, the Office may consider facts known to it at this time. The Office will not recommend to the Court a specific sentence to be imposed. Further, the Office cannot and does not make a promise or representation as to what sentence will be imposed by the

Court.

7. The defendant agrees that with respect to all charges referred to in paragraphs 1 and 4(a) he is not a "prevailing party" within the meaning of the "Hyde Amendment," 18 U.S.C. § 3006A note, and will not file any claim under that law. The defendant waives any right to additional disclosure from the government in connection with the guilty plea. The defendant agrees to pay the special assessment by check payable to the Clerk of the Court at or before sentencing.

8. The defendant must at all times give complete, truthful, and accurate information and testimony, and must not commit, or attempt to commit, any further crimes. Should it be judged by the Office that the defendant has failed to cooperate fully, has intentionally given false, misleading or incomplete information or testimony, has committed or attempted to commit any further crimes, or has otherwise violated any provision of this agreement, the defendant will not be released from his plea of guilty but this Office will be released from its obligations under this agreement, including (a) not to oppose a downward adjustment of two levels for acceptance of responsibility described in paragraph 2 above, and to make the motion for an additional one-level reduction described in paragraph 2 above and (b) to file the motion described in paragraph 6 above. Moreover, this Office may withdraw the motion described in paragraph 6 above, if such motion has been filed prior to sentencing. The defendant will also be subject to prosecution for any federal criminal violation of which the Office has knowledge, including,

but not limited to, the criminal activity described in paragraph 4 above, perjury and obstruction of justice.

9. Any prosecution resulting from the defendant's failure to comply with the terms of this agreement may be premised upon, among other things: (a) any statements made by the defendant to the Office or to other law enforcement agents on or after May 30, 2007; (b) any testimony given by him before any grand jury or other tribunal, whether before or after the date this agreement is signed by the defendant; and (c) any leads derived from such statements or testimony. Prosecutions that are not time-barred by the applicable statutes of limitation on the date this agreement is signed may be commenced against the defendant in accordance with this paragraph, notwithstanding the expiration of the statutes of limitation between the signing of this agreement and the commencement of any such prosecutions. Furthermore, the defendant waives all claims under the United States Constitution, Rule 11(f) of the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal statute or rule, that statements made by him on or after May 30, 2007, or any leads derived therefrom, should be suppressed.

10. If the defendant requests, and in the Office's judgment the request is reasonable, the Office will make application and recommend that the defendant and, if appropriate, other individuals be placed in the Witness Security Program, it being understood that the Office has authority only to recommend and that the final decision to

place an applicant in the Witness Security Program rests with the Department of Justice, which will make its decision in accordance with applicable Departmental regulations.

11. This agreement does not bind any federal, state, or local prosecuting authority other than the Office, and does not prohibit the Office from initiating or prosecuting any civil or administrative proceedings directly or indirectly involving the defendant.

12. No promises, agreements or conditions have been entered into other than those set forth in this agreement, and none will be entered into unless memorialized in writing and signed by all parties. This agreement supersedes any prior promises,

agreements or conditions between the parties. To become effective, this agreement must be signed by all signatories listed below.

Dated: Brooklyn, New York
 , 2007

ROSLYNN R. MAUSKOPF
United States Attorney
Eastern District of New York

By: _____
Morris J. Fodeman
Assistant United States Attorney

Approved by:

Colleen Kavanagh
Supervising Assistant U.S. Attorney

I have read the entire agreement and discussed it with my attorney. I understand all of its terms and am entering into it knowingly and voluntarily.

XXXXXXXXXX XXXXXXXXXXXX
Defendant

Approved by:

XXXXXXXXXX, Esq.
Counsel to Defendant