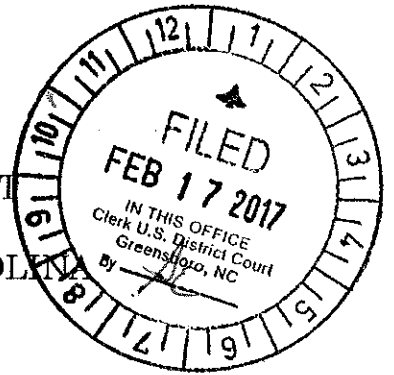


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA : 1:16CR344-1
 : 1:16CR392-1
 v. :
 :
 FLETCHER LEE HARTSELL, JR. : PLEA AGREEMENT

NOW COME the United States of America, by and through Sandra J. Hairston, Acting United States Attorney for the Middle District of North Carolina, and the defendant, FLETCHER LEE HARTSELL, JR., in his own person and through his attorney, Richard S. Glaser, and state as follows:

1. The defendant, FLETCHER LEE HARTSELL, JR., is presently under Superseding Indictment in case number 1:16CR344-1, which in Counts One, Six, Nine, Twelve, and Thirteen charge him with violations of Title 18, United States Code, Section 1341, mail fraud; which in Counts Two, Eight, and Fourteen charge him with violations of Title 18, United States Code, Section 1343, wire fraud; and which in Counts Three, Four, Five, Seven, Ten, and Eleven charge him with violations of Title 18, United States Code, Section 1956(a)(1)(B)(i), money laundering.

2. The defendant, FLETCHER LEE HARTSELL, JR., is presently under Indictment in case number 1:16CR392-1, which in Counts One, Two,

Three, Four, Five, Six, Seven, Eight, Nine, and Ten charge him with violations of Title 26, United States Code, Section 7206(1), filing false tax returns.

3. The defendant, FLETCHER LEE HARTSELL, JR., will enter a voluntary plea of guilty to Count Six of the Superseding Indictment in case number 1:16CR344-1, and to Counts One and Two of the Indictment in case number 1:16CR392-1. The nature of these charges and the elements of these charges, which must be proved by the United States beyond a reasonable doubt before the defendant can be found guilty thereof, have been explained to him by his attorney.

a. The defendant, FLETCHER LEE HARTSELL, JR., understands that the maximum term of imprisonment provided by law for Count Six of the Superseding Indictment in case number 1:16CR344-1 is not more than twenty years and the maximum fine is \$250,000.

b. The defendant, FLETCHER LEE HARTSELL, JR., also understands that, as to Count Six of the Superseding Indictment in case number 1:16CR344-1, the Court may include as a part of the sentence a requirement that the defendant be placed on a term of supervised release of not more than three years after imprisonment pursuant to Title 18, United States Code, Section 3583.

c. The defendant, FLETCHER LEE HARTSELL, JR., understands that the maximum term of imprisonment provided by law for

Counts One and Two of the Indictment in case number 1:16CR392-1 is not more than three years, as to each count, and the maximum fine for Counts One and Two is \$250,000, as to each count.

d. The defendant, FLETCHER LEE HARTSELL, JR., also understands that as to Counts One and Two of the Indictment in case number 1:16CR392-1, the Court may include as a part of the sentence a requirement that the defendant be placed on a term of supervised release of not more than one year after imprisonment, as to each count, pursuant to Title 18, United States Code, Section 3583.

e. If any person derived pecuniary gain from the offenses, or if the offenses resulted in pecuniary loss to a person other than the defendant, FLETCHER LEE HARTSELL, JR., the defendant may, in the alternative, be fined not more than the greater of twice the gross gain or twice the gross loss unless the Court determines that imposition of a fine in this manner would unduly complicate or prolong the sentencing process. The fine provisions are subject to the provisions of Title 18, United States Code, Section 3571, entitled "Sentence of Fine."

f. The defendant, FLETCHER LEE HARTSELL, JR., further understands that the sentence to be imposed upon him is within the discretion of the sentencing Court subject to the statutory maximum penalties set forth above. The sentencing Court is not bound by the sentencing range prescribed

by the United States Sentencing Guidelines. Nevertheless, the sentencing Court is required to consult the Guidelines and take them into account when sentencing. In so doing, the sentencing Court will first calculate, after making the appropriate findings of fact, the sentencing range prescribed by the Guidelines, and then will consider that range as well as other relevant factors set forth in the Guidelines and those factors set forth in Title 18, United States Code, Section 3553(a) before imposing the sentence.

g. The defendant, FLETCHER LEE HARTSELL, JR., understands that if he is not a citizen of the United States that entering a plea of guilty may have adverse consequences with respect to his immigration status. The defendant, FLETCHER LEE HARTSELL, JR., nevertheless wishes to enter a voluntary plea of guilty regardless of any immigration consequences his guilty plea might entail, even if such consequence might include automatic removal and possibly permanent exclusion from the United States.

4. By voluntarily pleading guilty to Count Six of the Superseding Indictment in case number 1:16CR344-1, and to Counts One and Two of the Indictment in case number 1:16CR392-1, the defendant, FLETCHER LEE HARTSELL, JR., knowingly waives and gives up his constitutional rights to plead not guilty, to compel the United States to prove his guilt beyond a reasonable doubt, not to be compelled to incriminate himself, to confront and

cross-examine the witnesses against him, to have a jury or judge determine his guilt on the evidence presented, and other constitutional rights which attend a defendant on trial in a criminal case.

5. The defendant, FLETCHER LEE HARTSELL, JR., is going to plead guilty to Count Six of the Superseding Indictment in case number 1:16CR344-1, and to Counts One and Two of the Indictment in case number 1:16CR392-1, because he is, in fact, guilty and not because of any threats or promises.

6. The extent of the plea bargaining in this case is as follows:

a. Upon the acceptance by the Court of a guilty plea by the defendant, FLETCHER LEE HARTSELL, JR., to Count Six of the Superseding Indictment in case number 1:16CR344-1, and to Counts One and Two of the Indictment in case number 1:16CR392-1, and at the conclusion of the sentencing hearing thereon, the United States of America will not oppose a motion to dismiss the remaining counts of the Superseding Indictment in case number 1:16CR344-1 and the Indictment in case number 1:16CR392-1 as to the defendant, FLETCHER LEE HARTSELL, JR. This portion of the Plea Agreement is made pursuant to Rule 11(c)(1)(A) of the Federal Rules of Criminal Procedure.

b. It is understood that if the Court determines at the time of sentencing that the defendant, FLETCHER LEE HARTSELL, JR., qualifies for a 2-point decrease in the offense level under Section 3E1.1(a) of the

Sentencing Guidelines and that the offense level prior to the operation of Section 3E1.1(a) is 16 or greater, then the United States will recommend a decrease in the offense level by 1 additional level pursuant to Section 3E1.1(b) of the Sentencing Guidelines. This portion of the Plea Agreement is made pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure.

c. The defendant, FLETCHER LEE HARTSELL, JR., agrees to pay restitution to the Internal Revenue Service ("IRS") in the amount to be determined by the Court at the time of sentencing, pursuant to Title 18, United States Code, Section 3663(a).

d. It is understood between the parties that the defendant, FLETCHER LEE HARTSELL, JR., reserves the right to request a downward variance from the Court at the time of sentencing.

e. It is understood between the parties that the defendant, FLETCHER LEE HARTSELL, JR., reserves the right to contest any loss amount calculated by the United States Probation Office and included in the final Presentence Investigation Report pursuant to the United States Sentencing Commission, Guidelines Manual, at the time of sentencing.

f. The United States of America and the defendant, FLETCHER LEE HARTSELL, JR., agree and stipulate that there is a sufficient factual basis to support the material allegations contained in Count Six of the

Superseding Indictment in case number 1:16CR344-1, and to Counts One and Two of the Indictment in case number 1:16CR392-1.

7. With regard to forfeiture, the United States and the defendant, FLETCHER LEE HARTSELL, JR., agree as follows:

a. The defendant knowingly and voluntarily consents to the entry of a forfeiture money judgment against him in the amount to be determined by the Court at the time of sentencing, in that such sum represents the amount of proceeds derived from or traceable to the violation alleged in Count Six of the Superseding Indictment, to which he is pleading guilty.

b. The defendant consents to the entry of an order of forfeiture in the amount to be determined by the Court at the time of sentencing and waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. Defendant acknowledges that he understands that the forfeiture of assets is part of the sentence that may be imposed in this case and waives any failure by the court to advise him of this, pursuant to Rule 11(b)(1)(J), at the time his guilty plea is accepted.

c. The defendant agrees to identify all assets over which he exercises or exercised control, directly or indirectly, within the past six years, or in which the defendant has or had during that time any financial interest.

d. The defendant agrees to take all steps requested by the government to pass clear title to assets to the United States with a value up to the amount to be determined by the Court at the time of sentencing, including but not limited to surrender of title and execution of any documents necessary to transfer his interest in the property to the United States. The defendant further agrees to take necessary steps to insure that assets which may be used to satisfy this judgment are not sold, disbursed, wasted, hidden or otherwise made unavailable for forfeiture, and to testify truthfully in any judicial forfeiture proceeding.

e. The defendant knowingly and voluntarily waives his right to a jury trial on the forfeiture of assets. The defendant further knowingly and voluntarily waives all constitutional, legal and equitable claims, defenses and challenges to the forfeiture of assets in any proceeding, administrative, criminal or civil, any jeopardy defense or claim of double jeopardy, and any claim or defense under the Eighth Amendment to the United States Constitution.

f. The defendant agrees that the forfeiture provisions of this plea agreement are intended to, and will, survive him, notwithstanding the abatement of any underlying criminal conviction after the execution of this agreement. The forfeitability of any particular property pursuant to this agreement shall be determined as if the defendant had survived, and that

determination shall be binding upon the defendant's heirs, successors and assigns until the agreed forfeiture, including any agreed money judgment amount, is collected in full.

g. Defendant agrees and understands that the abandonment, civil administrative forfeiture, or criminal forfeiture of any property shall not be treated as satisfaction of any assessment, fine, restitution, cost of imprisonment, or any other penalty this Court may impose upon the defendant in addition to the forfeiture.

8. The defendant, FLETCHER LEE HARTSELL, JR., agrees that pursuant to Title 18, United States Code, Section 3613, all monetary penalties, including restitution imposed by the Court, shall be due immediately upon judgment and subject to immediate enforcement by the United States. The defendant agrees that if the Court imposes a schedule of payments, the schedule of payments shall be merely a schedule of minimum payments and shall not be a limitation on the methods available to the United States to enforce the judgment.

9. The defendant, FLETCHER LEE HARTSELL, JR., agrees that his debt resulting from the criminal monetary penalties due under the criminal judgment will be submitted to the Treasury Offset Program even if he is current in his payments under any Court imposed payment schedule.

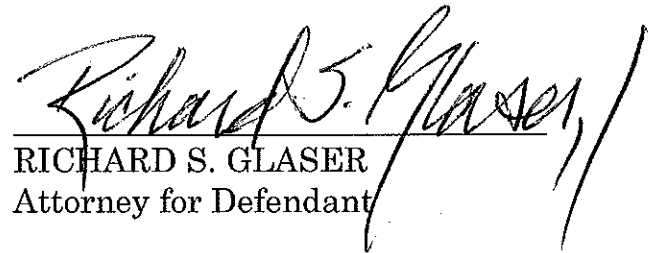
10. It is further understood that the United States and the defendant, FLETCHER LEE HARTSELL, JR., reserve the right to bring to the Court's attention any facts deemed relevant for purposes of sentencing.

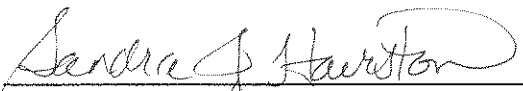
11. The defendant, FLETCHER LEE HARTSELL, JR., further understands and agrees that pursuant to Title 18, United States Code, Section 3013, for any offense committed on or after October 11, 1996, the defendant shall pay an assessment to the Court of \$100 for each offense to which he is pleading guilty. This payment shall be made at the time of sentencing by cash or money order made payable to the Clerk of the United States District Court. If the defendant is indigent and cannot make the special assessment payment at the time of sentencing, then the defendant agrees to participate in the Inmate Financial Responsibility Program for purposes of paying such special assessment.


12. No agreements, representations, or understandings have been made between the parties in this case other than those which are explicitly set forth in this Plea Agreement, and none will be entered into unless executed in writing and signed by all the parties.

This the 17 day of February, 2017.

SANDRA J. HAIRSTON
Acting United States Attorney


RICHARD S. GLASER
Attorney for Defendant

for 
JOANNA G. MCFADDEN
NYSB # 4500948
Assistant United States Attorney


FLETCHER LEE HARTSELL, JR.
Defendant

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