

U.S. Department of Justice



United States Attorney  
Western District of Pennsylvania

U.S. Post Office & Courthouse  
700 Grant Street  
Suite 4000  
Pittsburgh, Pennsylvania 15219

412/644-3500

January 7, 2010

Alexander H. Lindsay, Jr., Esquire  
100 East Diamond Street, Suite 301  
Butler, Pennsylvania 16001

Re: United States of America v.  
Robert Danenberg  
Criminal No. 09-33

Dear Mr. Lindsay:

This letter sets forth the agreement by which your client, Robert Danenberg, will enter a plea of guilty in the above-captioned case. The letter represents the full and complete agreement between Robert Danenberg and the United States Attorney for the Western District of Pennsylvania. The agreement does not apply to or bind any other federal, state, or local prosecuting authority.

Upon entering a plea of guilty, Robert Danenberg will be sentenced under the Sentencing Reform Act, 18 U.S.C. §3551, et seq. and 28 U.S.C. §991, et seq. The Sentencing Guidelines promulgated by the United States Sentencing Commission will be considered by the Court in imposing sentence. The facts relevant to sentencing shall be determined initially by the United States Probation Office and finally by the United States District Court by a preponderance of the evidence.

- A. The defendant, Robert Danenberg, agrees to the following:
1. He will enter a plea of guilty to Count One of the Indictment at Criminal No. 09-33, charging him with violating 18 U.S.C. § 1349, pursuant to Rule 11 of the Federal Rules of Criminal Procedure.

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2. He acknowledges his responsibility for the conduct charged in Counts Two and Three of the Indictment at Criminal No. 09-33 and stipulates that the conduct charged in those Counts may be considered by the Probation Office or by the Court in calculating the guideline range and in imposing sentence.
3. He will pay mandatory restitution under the Victim-Witness Protection Act, 18 U.S.C. §§3663, [3663A] and 3664, to the victims and/or other persons or parties authorized by law in such amounts, at such times, and according to such terms as the Court shall direct.
4. He will voluntarily forfeit to the United States \$250,000, payable at sentencing.
5. He acknowledges that the \$250,000 is presently the subject of a criminal forfeiture action at the above-captioned criminal case number and he herewith voluntarily consents to the Court entering an order of forfeiture of said property to the United States. He further agrees to pay \$250,000 to the United States at the time of sentencing in full satisfaction of the forfeiture order.
6. At the time Robert Danenberg enters his plea of guilty, he will deposit a special assessment of \$100 in the form of cash, or check or money order payable to "Clerk, U.S. District Court". In the event that sentence is not ultimately imposed, the special assessment deposit will be returned.
7. Robert Danenberg waives the right to take a direct appeal from his conviction or sentence under 28 U.S.C. §1291 or 18 U.S.C. §3742, subject to the following exceptions:
  - (a) If the United States appeals from the sentence, Robert Danenberg may take a direct appeal from the sentence.
  - (b) If (1) the sentence exceeds the applicable statutory limits set forth in the United States Code, or (2) the

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sentence unreasonably exceeds the guideline range determined by the Court under the Sentencing Guidelines, Robert Danenberg may take a direct appeal from the sentence.

Robert Danenberg further waives the right to file a motion to vacate sentence, under 28 U.S.C. §2255, attacking his conviction or sentence, and the right to file any other collateral proceeding attacking his conviction or sentence.

B. In consideration of and entirely contingent upon the provisions of Parts A and C of this agreement, the United States Attorney for the Western District of Pennsylvania agrees to the following:

1. After the imposition of sentence, the United States Attorney will move to dismiss the remaining Counts of the Indictment at Criminal No. 09-33, without prejudice to their reinstatement if, at any time, Robert Danenberg is permitted to withdraw his plea of guilty. In that event, Robert Danenberg waives any double jeopardy, statute of limitations, speedy trial, or similar objections to the reinstatement of the Counts dismissed pursuant to this agreement.
2. The United States Attorney retains the right of allocation at the time of sentencing to advise the sentencing Court of the full nature and extent of the involvement of Robert Danenberg in the offenses charged in the Indictment and of any other matters relevant to the imposition of a fair and just sentence.
3. Prior to sentencing, the United States Attorney will, orally or in writing, recommend that, pursuant to §3E1.1 of the Sentencing Guidelines, the Court reduce the offense level by 2 levels for acceptance of responsibility on the ground that Robert Danenberg manifested acceptance of responsibility.

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4. The United States Attorney will take any position he deems appropriate in the course of any appeals from the sentence or in response to any post-sentence motions.

C. Robert Danenberg and the United States Attorney further understand and agree to the following:

1. The penalty that may be imposed upon Robert Danenberg is:
  - (a) A term of imprisonment of not more than 20 years;
  - (b) A fine of \$250,000;
  - (c) A term of supervised release of three years;
  - (d) A special assessment under 18 U.S.C. §3013 of \$100;
  - (e) Mandatory restitution under the Victim-Witness Protection Act, 18 U.S.C. §§3663, 3663A and 3664.
2. The Court shall determine the victims and/or other persons or parties who will receive restitution as authorized by law.
3. The parties stipulate that the loss associated with the conduct charged in the Indictment, and all relevant conduct, based on the defendant's gain is more than \$200,000 and less than \$400,000. The defendant understands that the government reserves the right to seek enhancements under the following guideline sections: (a) Section 2B1.1(b)(2) (number of victims); (b) Section 3B1.1 (aggravating role); and (c) Section 3B1.3 (abuse of position of trust or use of special skill). This stipulation represents the parties' best understanding on the basis of the information available as of the date of this agreement. The stipulation is not binding on the Court and does not preclude the parties from bringing to the attention of the United States Probation Office or the Court any information not

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within their knowledge at the time this agreement is executed.

4. This agreement does not preclude the government from pursuing any civil or administrative remedies against Robert Danenberg or his property.
5. The parties agree that, although charges are to be dismissed pursuant to this agreement, Robert Danenberg is not a prevailing party for the purpose of seeking attorney fees or other litigation expenses under Pub. L. No. 105-119, §617 (Nov. 26, 1997) (known as the Hyde Amendment). Robert Danenberg waives any right to recover attorney fees or other litigation expenses under the Hyde Amendment.

This letter sets forth the full and complete terms and conditions of the agreement between Robert Danenberg and the United States Attorney for the Western District of Pennsylvania, and there are no other agreements, promises, terms or conditions, express or implied.

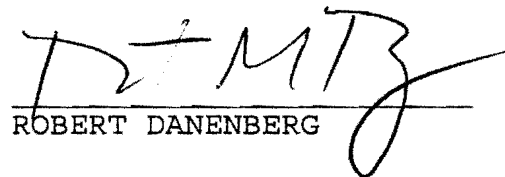
Very truly yours,



ROBERT S. CESSAR  
Acting United States Attorney

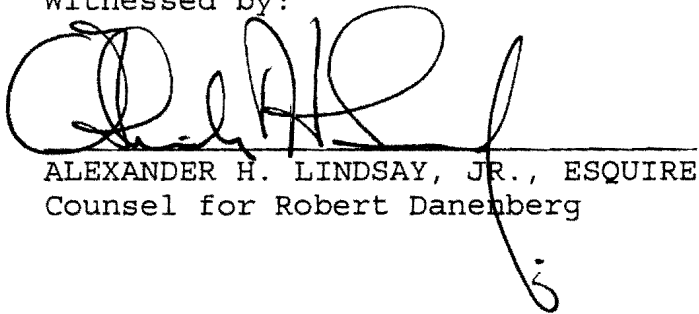
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I have received this letter from my attorney, Alexander H. Lindsay, Jr., Esquire, have read it and discussed it with him, and I hereby accept it and acknowledge that it fully sets forth my agreement with the Office of the United States Attorney for the Western District of Pennsylvania. I affirm that there have been no additional promises or representations made to me by any agents or officials of the United States in connection with this matter.

  
ROBERT DANENBERG

1/7/10  
Date

Witnessed by:

  
ALEXANDER H. LINDSAY, JR., ESQUIRE  
Counsel for Robert Danenberg