



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

April 1, 2008

William Difenderfer, Esquire
304 Ross Street
Suite 400
Pittsburgh, PA 15219

Re: United States of America v.
Jason Jester
Criminal No. 08-38

Dear Mr. Difenderfer:

This letter sets forth the agreement by which your client, Jason Jester, will enter a plea of guilty in the above-captioned case. The letter represents the full and complete agreement between Jason Jester 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, Jason Jester 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, Jason Jester, agrees to the following:
1. He will enter a plea of guilty to Count One of the Indictment at Criminal No. 08-38, charging him with violating 18 U.S.C. § 1349, pursuant to Rule 11 of the Federal Rules of Criminal Procedure.

LIMITED OFFICIAL
USE

2. He will assist law enforcement agencies in investigating violations of federal law related to mortgage fraud during the period from December 2006 to December 2007 allegedly committed by Kelly Fields, Joyce Davern, Robert Dannenberg and others (hereinafter "the investigation").
3. He will be fully debriefed by personnel of the United States Attorney's Office and/or Special Agents of the United States Secret Service and/or representatives of other federal, state or local law enforcement agencies as may be determined by the United States Attorney.
4. He will provide all information and evidence within his knowledge or control concerning the investigation. All such information will be full, complete, accurate, and truthful. The determination of the United States Attorney as to the completeness, accuracy, and truthfulness of the information and evidence provided shall be final and conclusive.
5. He will provide all documents and/or physical evidence within his possession concerning the investigation.
6. He will, when requested, testify in grand jury, pretrial, trial, sentencing and post-conviction proceedings in this district and elsewhere.
7. 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.
8. Upon request of the United States, he agrees to provide all information regarding his income, assets and financial status. He agrees to submit to interviews as to these matters and to complete a financial statement under oath.
9. At the time Jason Jester enters his plea of guilty, he will deposit a special assessment of \$100.00 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.

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

Jason Jester 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. Pursuant to §1B1.8 of the Sentencing Guidelines, the United States Attorney will not use against Jason Jester any information or evidence provided by him in the course of his assistance in the investigation.
2. Prior to sentencing, the United States Attorney will orally or in writing advise the Court of her evaluation of the nature, extent, completeness, accuracy, truthfulness and value of the assistance and testimony of Jason Jester. This evaluation is committed to the sound discretion of the United States Attorney.

3. The United States Attorney retains the right of allocution at the time of sentencing to advise the sentencing Court of the full nature and extent of the involvement of Jason Jester in the offense charged in the Indictment and of any other matters relevant to the imposition of a fair and just sentence.
4. Prior to sentencing, the United States Attorney will, orally or in writing, move that, pursuant to §3E1.1 of the Sentencing Guidelines, the Court reduce the offense level by 3 levels for acceptance of responsibility, on the grounds that the offense level prior to application of §3E1.1 is 16 or greater, and Jason Jester timely notified authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently.
5. At the time of sentencing, if his cooperation has been completed, or within 1 year of the imposition of sentence, the United States Attorney will review the timeliness, nature, extent, completeness, accuracy, and truthfulness of the assistance and testimony of Jason Jester. If the United States Attorney determines Jason Jester has provided substantial assistance in the investigation or prosecution of other persons, the United States Attorney may, in her discretion, file a motion pursuant to §5K1.1 of the Sentencing Guidelines or under Rule 35(b), Federal Rules of Criminal Procedure, advising the Court of the assistance to law enforcement authorities. Jason Jester has no right to compel, require or expect that the United States Attorney will file such a motion, however, and the decision to reduce the sentence of Jason Jester below the applicable guideline range or any mandatory minimum sentence is solely in the discretion of the Court.
6. The United States Attorney will take any position she deems appropriate in the course of any appeals from the sentence or in response to any post-sentence motions.

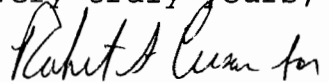
C. Jason Jester and the United States Attorney further understand and agree to the following:

1. The penalty that may be imposed upon Jason Jester is:
 - (a) A term of imprisonment of not more than 20 years;
 - (b) A fine of \$250,000.00;
 - (c) A term of supervised release of 3 years;
 - (d) A special assessment under 18 U.S.C. §3013 of \$100.00;
 - (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. Because the offense of conviction was part of a conspiracy of criminal activity, restitution is not limited to the offense of conviction. The Court may order that restitution be paid to any victim, person, or party directly harmed by Jason Jester's criminal conduct in the course of the conspiracy.
4. The parties stipulate that the loss associated with the conduct charged in the Indictment, and all relevant conduct, is between \$400,000.00 and \$1,000,000.00 for the purposes of the Sentencing Guidelines. 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 within their knowledge at the time this agreement is executed.
5. The parties agree that under § 2B1.1 of the Sentencing Guidelines, the base offense level is 7. The parties further agree that the base offense level of 7 should be raised by 14 levels under § 2B1.1(b)(1)(H) of Chapter 2 of the Guidelines.

6. The parties also agree that the adjusted base offense level should be lowered by a total of 3 levels under the section 3E1.1 (Acceptance of Responsibility) of the Guidelines, and that no other enhancements or reductions apply except a potential reduction based on substantial assistance to the government.
7. Thus, the parties agree that Jason Jester's overall offense level under the Sentencing Guidelines is 18 prior to any potential reduction for substantial assistance to the government.
8. If, at any time, the United States Attorney determines that Jason Jester has provided any information or evidence that is not full, complete, accurate, and truthful, or that Jason Jester has not provided assistance or testimony upon request, or that Jason Jester has subsequently committed any additional federal, state, or local crime(s), the obligations of the United States Attorney under this agreement are terminated. In that event, the government may prosecute Jason Jester on charges it has agreed to dismiss or has dismissed, and it may use against Jason Jester information and/or evidence obtained from him. The government may also prosecute Jason Jester for perjury or obstruction of justice. Any plea of guilty previously entered will stand, however, and Jason Jester will not have the right to withdraw the plea of guilty by virtue of his breach of this agreement.
9. This agreement does not preclude the government from pursuing any civil or administrative remedies against Jason Jester or his property.

This letter sets forth the full and complete terms and conditions of the agreement between Jason Jester 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,


MARY BETH BUCHANAN
United States Attorney

I have received this letter from my attorney, William Difenderfer, 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.



JASON JESTER

5/14/08
Date

Witnessed by:



WILLIAM DIFENDERFER, ESQUIRE
Counsel for Jason Jester