

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

UNITED STATES OF AMERICA            )  
  )  
  )            Case No. 3:13-cr-012 JD  
  )  
JOHN CARLISLE                            )

**PETITION TO ENTER A GUILTY PLEA**

The defendant above named respectfully represents to the Court as follows:

1. My true name is JOHN CARLISLE and I request that all proceedings against me be had in the name which I here declare to be my true name.
2. I was born in the United States of America. I have attended school including high school and university and I have the ability to read, write and speak the English language.
3. I am represented by counsel and my lawyer's name is Robert W. Gevers II.
4. I have received a copy of the Indictment and have read and discussed it with my lawyer, and believe and feel that I understand every accusation made against me in this case.
5. I have told my lawyer the facts and surrounding circumstances as known to me concerning the matters mentioned in the Indictment and believe and feel that my lawyer is fully informed as to all such matters. My lawyer has since informed me and has counseled and advised with me as to the nature and cause of every accusation against me and as to any possible defenses I might have in this case.
6. I understand that I am entitled to have all of my rights which may be involved in

this matter explained to me, and that I have the right to have any questions I may have answered for me.

7. I understand that I have a right to plead NOT GUILTY to any offense charged against me, and that under a plea of NOT GUILTY the Constitution guarantees me:

(a) the right to a speedy and public trial by a twelve-person jury of my peers, selected according to law, in the Northern District of Indiana which must return a unanimous verdict of GUILTY before I can be convicted;

(b) the right to be released on reasonable bail until my trial occurs;

(c) the right to see, hear and cross-examine all the witnesses against me at my trial;

(d) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses, in my favor at my trial;

(e) the right to the assistance of counsel at every stage of the proceedings, including upon an appeal if need be;

(f) the right not to testify without prejudice; and,

(g) that in the event that I should be found GUILTY of the charge against me, I would have the right to appeal my conviction on such charge to a higher court.

8. I understand, also, that if I plead GUILTY, I waive the right to trial by jury in any and all proceedings in this case and all of the other rights mentioned above.

9. Notwithstanding the above, I have, with the assistance of counsel, entered into an agreement with the United States Attorney's Office for the Northern District of Indiana as follows:

(a) I agree to plead guilty to Counts 9 through 13 of the Indictment, which charge me with making false statements in connection with a mortgage loan and mortgage insurance. I agree to plead guilty to these charges because I am in fact guilty of these offenses;

(b) I admit the allegations of Counts 9 - 13 of the Indictment. Specifically, I further admit that all of the following statement of facts are true:

During the period 2008 through 2010, John Carlisle was a licensed loan originator in Fort Wayne, Indiana. Ryan Webb in conjunction with Johnny Stine and others purchased low-end homes in the Fort Wayne area, often using an entity called Sunset Properties of NI, LLC. Through the use of advertising and a website, Webb and Stine attracted buyers for these properties. Webb and Stine would then flip or sell these low-end homes to these buyers, most often for a sales price of two or three times what had been paid for the homes. Oftentimes, the purchasers of the homes were of very modest financial means and could not on their own qualify for the needed mortgage loan. As part of a fraud scheme, Webb and Stine provided monies to the home buyers/borrowers to cover loan closing costs and to give the appearance that the buyers had assets in reserve. To hide the fact that all of the monies for closing and reserves had come from Webb/Stine (monies that were supposed to come from the buyers/borrowers or persons who were relatives of them but in fact came from the seller/real estate broker), Webb and Stine with the knowledge and help of John Carlisle prepared phony "gift letters" documenting falsely that the monies Webb and Stine provided had come from family or relatives of the buyers/borrowers. These sham gift letters with false representations violated applicable HUD/FHA mortgage insurance regulations and in fact deceived HUD/FHA. Because these buyers/borrowers could not on their own qualify for the mortgage loans, they frequently defaulted soon after getting the mortgage loans and the homes went into foreclosure, which caused substantial losses to the mortgage lenders and mortgage insurance provider HUD/FHA.

(c) The statutory maximum sentence that the Court can impose for each violation of Title 18, United States Code, Section 1014 is 30 years imprisonment, a \$1,000,000 fine, or a combination of both imprisonment and a fine, as well as a five-year period of supervised release to follow any term of imprisonment and a mandatory special assessment of \$100. The defendant also understands that the court will impose an order of restitution for the fraud scheme/false statements, which he agrees to pay;

(d) I understand that the offense to which I am pleading guilty falls under the

Sentencing Guidelines promulgated by the United States Sentencing Commission under Title 28, United States Code, Section 994. I am aware that my sentence will be determined in accordance with the United States Sentencing Guidelines and this plea agreement. I agree that the Court has jurisdiction and authority to impose any sentence within the statutory maximum set for my offense(s) as set forth in this plea agreement. With that understanding, I expressly waive my right to appeal my conviction, my sentence and any restitution order to any Court on any ground, including any claim of ineffective assistance of counsel. I also agree not to contest my conviction, my sentence, any restitution order imposed, or the manner in which my conviction, the sentence or the restitution order was determined or imposed on any ground including any alleged ineffective assistance of counsel in any appeal under Title 18, United States Code, Section 3742 or in any post-conviction proceeding, including but not limited to, a proceeding under Title 28, United States Code, Section 2255;

(e) I will discuss fully, truthfully, and candidly my knowledge of all criminal activities with representatives of the United States Attorney's Office for the Northern District of Indiana and any other law enforcement agency if requested to do so by the United States Attorney's Office for the Northern District of Indiana;

If requested to do so by the United States Attorney's Office for the Northern District of Indiana, I will testify truthfully, candidly, and completely in grand jury proceedings in the Northern District of Indiana and elsewhere. Also, if requested to do so, I will testify truthfully, candidly and completely in any trials or other judicial proceedings;

In addition, I will provide to the United States Attorney's Office for the Northern District of Indiana such corroboration as I possess or is under my control. The defendant also agrees to provide a personal financial statement to the United States Attorney's Office within 10 days of the filing of this plea agreement;

(f) My agreement with the United States Attorney's Office for the Northern District of Indiana has been entered into with the understanding that I have been and will continue to be honest, candid, and truthful in my cooperation. If the United States Attorney's Office for the Northern District of Indiana later determines that I have not been honest, candid or truthful, they can petition the Court to declare this agreement to be null and void;

(g) The defendant understands that the Court, based upon input from him, his attorneys, and the government as well as an investigation by the United States Probation Office, will determine the guideline range to be applied at the sentencing;

(h) The defendant fully understands that the United States of America has reserved the right to tell the Sentencing Court the good things about him, and the bad things about him, and has reserved the right to fully inform the Court of the nature and

extent of his offense(s);

(i) The government agrees that in recognition of the defendant's acceptance of responsibility for his offense conduct, he is entitled to a reduction in the offense level under Guideline § 3E1.1(a); however, the government's obligation to recommend an acceptance of responsibility reduction under this plea agreement is contingent upon my continuing manifestation of acceptance of responsibility. Should I deny my involvement, give conflicting statements of my involvement, deny relevant conduct, violate pretrial release conditions, or engage in any criminal conduct including any personal use of controlled substances, the government shall not be bound to recommend any reduction in offense level for acceptance of responsibility. The defendant understands that the government's recommendation in this respect is a non-binding recommendation and that the Court makes the final decision whether to reduce the defendant's offense level at all and to what extent for acceptance of responsibility;

(j) The defendant and the government will be free to argue for any sentence. The government will dismiss the remaining counts of the Indictment (Counts 1 through 8) at the time of sentencing;

(k) The defendant hereby waives all rights, whether asserted directly or through a representative, to request or receive from the United States any further records, reports, or documents pertaining to the investigation or prosecution of this matter. This waiver includes, but is not limited to, rights conferred by the Freedom of Information Act and the Privacy Act of 1974. Further, the defendant acknowledges that he has received all discovery required by law prior to the entry of this plea and that he has reviewed same with his attorney;

(l) The defendant agrees to pay restitution for all of the losses from the mortgage fraud scheme in which he participated as outlined above. The defendant further agrees to pay at the time of his sentencing in this matter the \$600 in special assessments that he owes;

(m) Other than what is contained in this plea agreement, no predictions, promises, or representations have been made to me as to the specific sentence that will be imposed or any other matter.

10. I am prepared to state to the Court my reasons based on the facts in this matter that cause me to believe that I am GUILTY as charged.

11. I believe and feel that my lawyer has done all that anyone could do to counsel and assist me, and that I now understand the proceedings in this case against me.

12. I declare that I offer my plea of GUILTY freely and voluntarily and of my own accord, and no promises have been made to me other than those contained in this petition, nor have I been threatened in any way by anyone to cause me to plead GUILTY in accordance with this petition.

13. I understand and acknowledge that this petition, once filed with the Court, is a public document and available for public viewing.

S/ John Carlisle

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John Carlisle  
Defendant

S/ Robert W. Gevers II

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Robert W. Gevers II  
Attorney for Defendant

APPROVED:

DAVID A. CAPP  
UNITED STATES ATTORNEY

s/ Donald J. Schmid  
By: \_\_\_\_\_  
Donald J. Schmid  
Assistant United States Attorney