



U.S. Department of Justice

C-1

*United States Attorney
District of New Jersey*

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September 14, 2011

Robert N. Agre, Esquire
4 Kings Highway East
Haddonfield, NJ 08033

Re: Plea Agreement with William Barksdale

Dear Mr. Agre:

This letter sets forth the plea agreement between your client, William Barksdale, and the United States Attorney for the District of New Jersey ("this Office").

Charge

Conditioned on the understandings specified below, this Office will accept a guilty plea from William Barksdale to a one-count information, which charges conspiracy to commit wire fraud contrary to 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349. If William Barksdale enters a guilty plea and is sentenced on this charge, and otherwise fully complies with all of the terms of this agreement, this Office will not initiate any further criminal charges against William Barksdale for participating in a scheme and artifice to commit fraud by obtaining several home equity lines of credit on each of the five properties listed below on or about the time periods stated below from multiple banks by means of false or fraudulent pretenses:

104 Glenview Lane, Willingboro, New Jersey, November and December 2009 ;

1219 Liberte Court, Pemberton, New Jersey, April and May 2007;

1303 Noreen Drive, Burlington, New Jersey, April and May 2010;

15 Earnshaw Lane, Willingboro, New Jersey, September-October 2008; and

7 Snowdon Lane, Willingboro, New Jersey, April 2008.

However, in the event that guilty pleas in this matter are not entered for any reason or the judgment of conviction entered as a result of these guilty pleas does not remain in full force and effect, defendant agrees that any dismissed charges and any other charges that are

not time-barred by the applicable statute of limitations on the date this agreement is signed by William Barksdale may be commenced against him, notwithstanding the expiration of the limitations period after William Barksdale signs the agreement.

Sentencing

The violation of 18 U.S.C. § 1349 to which William Barksdale agrees to plead guilty carries a statutory maximum prison sentence of 30 years and a statutory maximum fine of not more than \$1,000,000. Fines imposed by the sentencing judge may be subject to the payment of interest.

The sentence to be imposed upon William Barksdale is within the sole discretion of the sentencing judge, subject to the provisions of the Sentencing Reform Act, 18 U.S.C. §§ 3551-3742, and the sentencing judge's consideration of the United States Sentencing Guidelines. The United States Sentencing Guidelines are advisory, not mandatory. The sentencing judge may impose any reasonable sentence up to and including the statutory maximum term of imprisonment and the maximum statutory fine. This Office cannot and does not make any representation or promise as to what guideline range may be found by the sentencing judge, or as to what sentence William Barksdale ultimately will receive.

Further, in addition to imposing any other penalty on William Barksdale, the sentencing judge: (1) will order William Barksdale to pay an assessment of \$100 pursuant to 18 U.S.C. § 3013, which assessment must be paid by the date of sentencing; (2) must order William Barksdale to pay restitution pursuant to 18 U.S.C. §§ 3663 *et seq.*; (3) may order William Barksdale, pursuant to 18 U.S.C. § 3555, to give notice to any victims of his offenses; (4) must order forfeiture of the proceeds of the offenses, pursuant to 18 U.S.C. § 982; and (5) pursuant to 18 U.S.C. § 3583, may require William Barksdale to serve a term of supervised release of not more than 5 years on each count of conviction, which will begin at the expiration of any term of imprisonment imposed. Should William Barksdale be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, William Barksdale may be sentenced to not more than 5 years' imprisonment in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

In addition, William Barksdale agrees to make full restitution for all losses resulting from the offenses of conviction or from the scheme, conspiracy, or pattern of criminal activity underlying the offenses, to the victims.

Rights of this Office Regarding Sentencing

Except as otherwise provided in this agreement, this Office reserves its right to take any position with respect to the appropriate sentence to be imposed on William Barksdale by

the sentencing judge, to correct any misstatements relating to the sentencing proceedings, and to provide the sentencing judge and the United States Probation Office all law and information relevant to sentencing, favorable or otherwise. In addition, this Office may inform the sentencing judge and the United States Probation Office of: (1) this agreement; and (2) the full nature and extent of William Barksdale's activities and relevant conduct with respect to this case.

Stipulations

This Office and William Barksdale agree to stipulate at sentencing to the statements set forth in the attached Schedule A, which hereby is made a part of this plea agreement. This agreement to stipulate, however, cannot and does not bind the sentencing judge, who may make independent factual findings and may reject any or all of the stipulations entered into by the parties. To the extent that the parties do not stipulate to a particular fact or legal conclusion, each reserves the right to argue the existence of and the effect of any such fact or conclusion upon the sentence. Moreover, this agreement to stipulate on the part of this Office is based on the information and evidence that this Office possesses as of the date of this agreement. Thus, if this Office obtains or receives additional evidence or information prior to sentencing that it determines to be credible and to be materially in conflict with any stipulation in the attached Schedule A, this Office shall not be bound by any such stipulation. A determination that any stipulation is not binding shall not release either this Office or William Barksdale from any other portion of this agreement, including any other stipulation. If the sentencing court rejects a stipulation, both parties reserve the right to argue on appeal or at post-sentencing proceedings that the sentencing court was within its discretion and authority to do so. These stipulations do not restrict the Government's right to respond to questions from the Court and to correct misinformation that may be provided to the Court.

Waiver of Appeal and Post-Sentencing Rights

As set forth in Schedule A, this Office and William Barksdale waive certain rights to file an appeal, collateral attack, writ or motion after sentencing, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255.

Immigration Consequences

The defendant understands that, if he is not a citizen of the United States, his guilty plea to the charged offense will likely result in him being subject to immigration proceedings and removed from the United States by making him deportable, excludable, or inadmissible, or ending his naturalization. The defendant understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. The defendant wants and agrees to plead guilty to the charged offenses regardless of any immigration consequences of this plea, even if this plea will cause his removal from the United States. The defendant understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, the defendant waives any and all challenges

to his guilty plea and to his sentence based on any immigration consequences, and agrees not to seek to withdraw his guilty plea, or to file a direct appeal or any kind of collateral attack challenging his guilty plea, conviction, or sentence, based on any immigration consequences of his guilty plea.

Other Provisions

This agreement is limited to the United States Attorney's Office for the District of New Jersey and cannot bind other federal, state, or local authorities. However, this Office will bring this agreement to the attention of other prosecuting offices, if requested to do so.

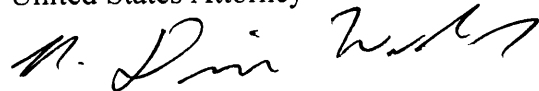
This agreement was reached without regard to any civil or administrative matters that may be pending or commenced in the future against William Barksdale. This agreement does not prohibit the United States, any agency thereof (including the Internal Revenue Service), or any third party from initiating or prosecuting any civil proceeding against William Barksdale.

No Other Promises

This agreement constitutes the plea agreement between William Barksdale and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.


Very truly yours,

PAUL J. FISHMAN
United States Attorney



By: R. DAVID WALK, JR.
Assistant United States Attorney

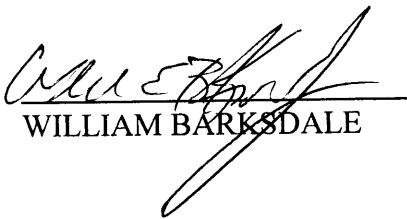
APPROVED:



JAMES P. LYNCH
Attorney-in-Charge, Camden

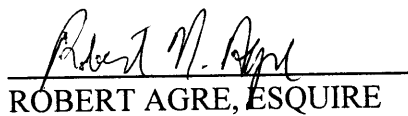
I have received this letter from my attorney, Robert Agre, Esquire. I have read it. My attorney and I have discussed it and all of its provisions, including those addressing the charges, sentencing, stipulations, waiver, forfeiture, and immigration consequences. I understand the letter fully. I hereby accept its terms and conditions and acknowledge that it constitutes the plea agreement between the parties. I understand that no additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties. I want to plead guilty pursuant to this plea agreement.

AGREED AND ACCEPTED:


WILLIAM BARKSDALE

Date: 12/9/11

I have discussed with my client this plea agreement and all of its provisions, including those addressing the charges, sentencing, stipulations, waiver, forfeiture, and immigration consequences. My client understands this plea agreement fully and wants to plead guilty pursuant to it.


ROBERT AGRE, ESQUIRE

Date: 12/9/11

Plea Agreement with William Barksdale

Schedule A

1. This Office and William Barksdale recognize that the United States Sentencing Guidelines are not binding upon the Court. This Office and William Barksdale nevertheless agree to the stipulations set forth herein, and agree that the Court should sentence William Barksdale within the Guidelines range that results from the total Guidelines offense level set forth below. This Office and William Barksdale further agree that neither party will argue for the imposition of a sentence outside the Guidelines range that results from the agreed total Guidelines offense level except as set forth below.

2. The version of the United States Sentencing Guidelines effective November 1, 2010 applies in this case.

3. With respect to the conspiracy to engage in wire fraud charged in the Information:

- a. The applicable guideline is U.S.S.G. § 2B1.1. This guideline carries a Base Offense Level of 7.
- b. The parties agree that William Barksdale conspired with others to obtain fraudulent home equity loans by wire from financial institutions for the following properties:
 - i. 104 Glenview Lane, Willingboro, New Jersey;
 - ii. 1219 Liberte Court, Pemberton, New Jersey;;
 - iii. 1303 Noreen Drive, Burlington, New Jersey;
 - iv. 15 Earnshaw Lane, Willingboro, New Jersey; and;
 - v. 7 Snowdon Lane, Willingboro, New Jersey..

For purposes of sentencing, the parties agree that, taking all applicable offsets into account, the total loss amount is more than \$1,000,000, but not more than \$2,500,000. Accordingly, the adjusted offense level is increased by 16 levels, with a resulting total of 23.

- c. Specific Offense Characteristic § 2B1.1(b)(14) applies because William Barksdale derived more than \$1,000,000 in gross receipts from one or more financial institutions as a result of the offense. This Specific Offense Characteristic results

in an increase of 2 levels.

- d. U.S.S.G. § 3B1.1(a) applies, because William Barksdale was an organizer or leader of criminal activity involving five or more participants. This results in an increase of 4 levels.

4. As of the date of this letter, William Barksdale has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for the offenses charged. Therefore, a downward adjustment of 2 levels for acceptance of responsibility is appropriate if William Barksdale's acceptance of responsibility continues through the date of sentencing. See U.S.S.G. § 3E1.1(a).

5. As of the date of this letter, William Barksdale has assisted authorities in the investigation or prosecution of her own misconduct by timely notifying authorities of her intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently. If William Barksdale enters a plea pursuant to this agreement and qualifies for a 2-point reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a), and if in addition William Barksdale's offense level under the Guidelines prior to the operation of § 3E1.1(a) is 16 or greater, William Barksdale will be entitled to a further 1-point reduction in her offense level pursuant to U.S.S.G. § 3E1.1(b).

6. In accordance with the above, the parties agree that the total Guidelines offense level applicable to William Barksdale is 26 (the "agreed total Guidelines offense level").

7. William Barksdale reserves the right to move for a reduced sentence under 18 U.S.C. § 3553(a)(1) & (2). This Office reserves the right to oppose any such application. The parties agree not to seek or argue for any upward or downward departure, adjustment or variance not set forth herein. The parties further agree that a sentence within the Guidelines range that results from the agreed total Guidelines offense level of 26 is reasonable.

8. William Barksdale knows that he has and, except as noted below in this paragraph, voluntarily waives, the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255, which challenges the sentence imposed by the sentencing court if that sentence falls within or below the Guidelines range that results from the agreed total Guidelines offense level of 26. This Office will not file any appeal, motion or writ which challenges the sentence imposed by the sentencing court if that sentence falls within or above the Guidelines range that results from the agreed total Guidelines offense level of 26. The parties reserve any right they may have under 18 U.S.C. § 3742 to appeal the sentencing court's determination of the criminal history category. The provisions of this paragraph are binding on the parties even if the Court employs a Guidelines analysis different from that stipulated to herein. Furthermore, if the sentencing court accepts a stipulation, both parties waive the right to file an appeal, collateral attack, writ, or

motion claiming that the sentencing court erred in doing so.

9. Both parties reserve the right to oppose or move to dismiss any appeal, collateral attack, writ, or motion barred by the preceding paragraph and to file or to oppose any appeal, collateral attack, writ or motion not barred by the preceding paragraph.