

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
FILED
JAN - 9 2015

UNITED STATES OF AMERICA)
)
v.)
)
MICHAEL A. MAGGIO)

IN OPEN COURT
JAMES W. McCORMACK, CLERK
BY: *[Signature]*
DEPUTY CLERK
No. 4:15CR00001-1 BSM

UNDER SEAL

PLEA AGREEMENT ADDENDUM

The Attorney for the United States, Acting Under Authority Conferred by Title 18, United States Code, Section 515, for the Eastern District of Arkansas, Patrick Harris, by and through Julie Peters, Assistant United States Attorney, and Jack Smith, Chief, Public Integrity Section, Criminal Division, United States Department of Justice, by and through Edward P. Sullivan, Trial Attorney, and MICHAEL A. MAGGIO, defendant, represented by the undersigned counsel, hereby agree to the following terms and conditions in connection with the above referenced proceedings.

1. **COOPERATION/SUBSTANTIAL ASSISTANCE:**

A. **COOPERATION:** The defendant agrees to fully cooperate with the United States as follows:

- (1) To truthfully disclose all information and knowledge regarding any other criminal conduct in Arkansas and elsewhere by the defendant and any and all other persons;
- (2) To testify before any grand and/or petit jury as a witness for the United States when deemed appropriate by the United States;
- (3) To be available for interview upon reasonable request;

(4) To submit to polygraph examinations if requested by the United States; and

(5) To waive any right to a prompt sentencing and join in any requests by the United States to postpone the defendant's sentencing until the defendant's cooperation is complete. The defendant understands that the date of sentencing is within the sole discretion of the court, and that this agreement may require the defendant to cooperate even after the defendant has been sentenced. The defendant's failure to cooperate pursuant to the terms of this Agreement after sentence has been imposed shall constitute a breach of this Agreement.

B. SENTENCE REDUCTION FOR SUBSTANTIAL ASSISTANCE:

(1) The United States will inform the sentencing Court of the defendant's cooperation if the defendant truthfully and fully performs the defendant's part of this Agreement.

(2) If, in the sole and absolute discretion of the United States, the defendant's cooperation constitutes substantial assistance within the meaning of the Sentencing Guidelines, the United States will make a motion to the Court for a sentence reduction.

(3) If the United States determines that a motion for sentence reduction should be made, the extent of the requested departure, and whether the requested departure will authorize the Court to depart below a statutory mandatory minimum sentence, will also be at the sole and absolute discretion of the United States. The defendant understands that in no event will any requested departure exceed 50% of the low end of the applicable guideline range.

(4) Any such motion for sentence reduction will be filed pursuant to Section 5K1.1 of the Sentencing Guidelines if cooperation is completed prior to sentencing. If

cooperation is not completed prior to sentencing, such motion will be filed pursuant to Federal Rule of Criminal Procedure 35, when cooperation is completed.

(5) The defendant understands that this Agreement and Addendum confers no right upon the defendant to require that the United States make a motion for sentence reduction and confers no right to remedy in favor of the defendant in the event that the United States determines that no such motion should be filed. Additionally, the defendant understands that, if a motion for sentence reduction is filed, the defendant may not, directly or indirectly through another person or party, seek a reduction greater than that requested by the United States.

(6) The defendant further understands and agrees that the defendant may not, directly or indirectly through another person, seek any reduction of sentence or other favorable sentencing considerations based on cooperation offered or provided in the absence of a motion by the United States.

(7) The parties understand and agree that, upon filing of such a motion by the United States, the decision to grant a reduction, and the amount of any reduction ultimately granted, is solely within the discretion of the District Court.

C. LIMITATION ON USE OF INFORMATION: It is the intent of the United States and the defendant that this Agreement and Addendum confer upon the defendant full protection afforded by use immunity under the laws of the United States, including that no information provided by the defendant pursuant to or in reliance on this Agreement may be used against the defendant under the Sentencing Guidelines to the defendant's detriment except as provided in Section 1B1.8 of the Sentencing Guidelines.

[END OF TEXT. DATE AND SIGNATURES ON PAGE 4.]

DATED this 9th day of January, 2015.

PATRICK HARRIS
Attorney for the United States,
Acting Under Authority Conferred By
Title 18, United States Code, Section 515




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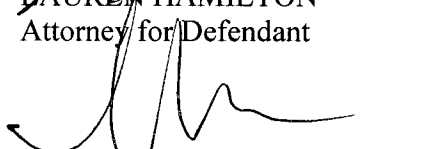
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