

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 12-20216-CR-Graham

UNITED STATES OF AMERICA

vs.

WILLIAM D. RODRIGUEZ

Defendant.

PLEA AGREEMENT

The United States Attorney's Office for the Southern District of Florida and the United States Department of Justice, Consumer Protection Branch (referred to collectively herein as the "Office" or the "government") and WILLIAM D. RODRIGUEZ (hereinafter referred to as the "defendant") enter into the following plea agreement:

1. The defendant agrees to plead guilty to an information or indictment which will charge him with:

(a) one count of conspiracy to defraud the United States and to commit the following federal offenses:

(i) to knowingly engage in the unlicensed wholesale distribution of prescription drugs in interstate commerce, in violation of Title 21, United States Code, Sections 331(t), 333(b)(1)(D), and 353(e)(2)(A);

(ii) to engage in the wholesale distribution of prescription drugs, and, with the intent to defraud or mislead, to fail to provide a statement that identifies all prior sales, purchases or trade of the drugs, in violation of Title 21, United States Code, Sections 331(t), 333(a)(2), and 353(e)(1)(A);



(defendant's initials)

(iii) to knowingly engage in transportation or transfer in interstate commerce of any stolen, converted, or fraudulently taken goods, in violation of Title 18, United States Code, Section 2314; and

(iv) to knowingly receive or possess any goods of \$5,000 or more in value which have crossed state lines after being stolen, unlawfully converted, or taken, in violation of Title 18, United States Code, Section 2315;

all in violation of Title 18, United States Code, Section 371; and

(b) one count of conspiracy to commit a violation of Title 18, United States Code, Section 1957(a), that is, to knowingly engage or attempt to engage in monetary transactions in criminally derived property of a value greater than \$10,000, all in violation of Title 18, United States Code, Section 1956(h).

2. The defendant is aware that the sentence will be imposed by the Court after considering the advisory Federal Sentencing Guidelines and Policy Statements (hereinafter, the "Sentencing Guidelines" or "Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a pre-sentence investigation by the United States Probation Office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose a sentence within that advisory range; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory range. Knowing these

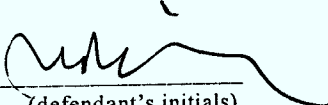

(defendant's initials)

facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

3. For the violation of Title 18, United States Code, Section 371, the defendant understands and acknowledges that the Court may impose a statutory maximum term of imprisonment of up to five years, followed by a term of supervised release of up to three years. In addition to a term of imprisonment and supervised release, the Court may impose a fine of up to \$250,000 or, pursuant to Title 18, United States Code, Section 3571(d), up to twice the gross gain or gross loss. The Court also is authorized to order the defendant to pay restitution pursuant to Title 18, United States Code, Section 3663A and other provisions of federal law.

4. For the violation of conspiracy to commit a violation of Title 18, United States Code, Section 1957(a), all in violation of Title 18, United States Code, Section 1956(h), the defendant understands and acknowledges that the Court may impose a statutory maximum term of imprisonment of up to 10 years, followed by a term of supervised release of up to three years. In addition to a term of imprisonment and supervised release, the Court may impose a fine of not more than \$250,000 or twice the amount of the criminally derived property involved in the transactions, whichever is greater.

5. The defendant further understand and acknowledges that, in addition to any sentence imposed under paragraphs three and four of this plea agreement, a special assessment in the amount of \$100 shall be imposed upon the defendant for each of the two crimes to which the defendant


(defendant's initials)

agrees to plead guilty, pursuant to Title 18, United States Code, Section 3013. The defendant agrees that any special assessment imposed shall be paid at the time of sentencing.

6. Subject to Section 1B1.8(a) of the Guidelines, this Office reserves the right to inform the Court and the United States Probation Office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this plea agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

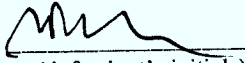
7. The Office and the defendant agree that, although not binding on the United States Probation Office or the Court, they will jointly recommend that the Court impose a sentence within the advisory sentencing guideline range produced by application of the Sentencing Guidelines. Although not binding on the United States Probation Office or the Court, the government and the defendant further agree that, except as otherwise expressly contemplated in this plea agreement, they will jointly recommend that the Court neither depart upward nor depart downward under the Sentencing Guidelines when determining the advisory sentencing guideline range in this case.

8. The government agrees that it will recommend at sentencing that the Court reduce by two levels the sentencing guideline level applicable to the defendant's offense, pursuant to Section 3E1.1(a) of the Sentencing Guidelines, based upon the defendant's recognition and affirmative and timely acceptance of personal responsibility. If at the time of sentencing the defendant's offense level is determined to be 16 or greater, the government will make a motion requesting an additional one level decrease pursuant to Section 3E1.1(b) of the Sentencing Guidelines, stating that the defendant has assisted authorities in the investigation or prosecution of

his own misconduct by timely notifying authorities of his 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. The government, however, will not be required to make this motion and this recommendation if the defendant: (1) fails or refuses to make a full, accurate and complete disclosure to the United States Probation Office of the circumstances surrounding the relevant offense conduct; (2) is found to have misrepresented facts to the government prior to entering into this plea agreement; (3) commits any misconduct after entering into this plea agreement, including but not limited to committing a state or federal offense, violating any term of release, or making false statements or misrepresentations to any governmental entity or official; or (4) makes any statement or takes any action that is inconsistent with acceptance of responsibility for the criminal conduct.

9. The defendant agrees that he shall cooperate fully with the Office by: (a) providing truthful and complete information and testimony, and producing documents, records and other evidence, when called upon, whether in interviews, before a grand jury, or at any trial or other court proceeding; (b) appearing at such grand jury proceedings, hearings, trials, and other judicial proceedings, and at meetings, as may be required by this Office; and (c) making an accurate and complete disclosure to this Office regarding the defendant's financial condition, including completing all financial disclosure forms and providing any financial records requested by this Office. In addition, the defendant agrees that he shall not falsely accuse any person or entity, and that he will not commit any further crimes.


10. This Office reserves the right to evaluate the nature and extent of the defendant's cooperation and to make that cooperation, or lack thereof, known to the Court at the time of


(defendant's initials)

sentencing. If in the sole and unreviewable judgment of this Office the defendant's cooperation is of such quality and significance to the investigation or prosecution of other criminal matters as to warrant the Court's downward departure from the advisory sentencing range calculated under the Sentencing Guidelines and/or any applicable minimum mandatory sentence, this Office may make a motion prior to sentencing pursuant to Section 5K1.1 of the Sentencing Guidelines and/or Title 18, United States Code, Section 3553(e), or subsequent to sentencing, pursuant to Rule 35 of the Federal Rules of Criminal Procedure, informing the Court that the defendant has provided substantial assistance and recommending that the defendant's sentence be reduced. The defendant understands and agrees, however, that nothing in this agreement requires this Office to file any such motions, and that this Office's assessment of the quality and significance of the defendant's cooperation shall be binding as it relates to the appropriateness of this Office's filing or non-filing of a motion to reduce sentence.

11. The defendant understands and acknowledges that the Court is under no obligation to grant a motion for reduction of sentence filed by this Office. In addition, the defendant further understands and acknowledges that the Court is under no obligation of any type to reduce the defendant's sentence because of the defendant's cooperation or attempted cooperation.

12. With respect to the crime of conspiracy to defraud the United States and to commit federal offenses, all in violation of Title 18, United States Code, Section 371, the Office and the defendant agree that, although not binding on the United States Probation Office or the Court, they will jointly recommend that the Court make the following findings and conclusions as to the sentence to be imposed:


(defendant's initials)

a. Applicable Guideline, Base Offense Level. Under Sections 2B1.1(a) and 2X1.1(a), the base offense level is 6.

b. Specific Offense Characteristics.

1. Pursuant to Sections 1B1.3(a) and 2B1.1(b)(1)(M), the loss is approximately \$55 million. Therefore, the base offense level is increased by 24 to an offense level of 30.

2. Pursuant to Section 2B1.1(b)(2)(A), the offense involved 10 or more victims. Therefore, the offense level is increased by 2 to an offense level of 32.

3. Pursuant to Section 2B1.1(b)(9)(C), the offense involved sophisticated means. Therefore, the offense level is increased by 2 to an offense level of 34.

4. Pursuant to Section 2B1.1(b)(12)(B), the offense involved an organized scheme to steal or receive goods that were part of a cargo shipment. Therefore, the offense level is increase by 2 to an offense level of 36.

5. Pursuant to Section 2B1.1(b)(13)(A), the offense involved the conscious or reckless risk of death or serious bodily injury. Therefore, the offense level is increased by 2 to an offense level of 38.

c. Role in the Offense. Pursuant to Section 3B1.1(a), the defendant was an organizer or leader of a criminal activity that involved five or more participants or was otherwise extensive. Therefore, the offense level is increased by 4 to an offense level of 42.

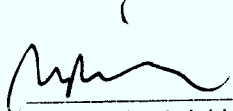
13. As to the crime of a conspiracy to commit a violation of Title 18, United States Code, Section 1957(a), all in violation of Title 18, United States Code, Section 1956(h), the Office and the defendant agree that, although not binding on the United States Probation Office or the Court, they will jointly recommend that the Court make the following findings and conclusions as to the sentence to be imposed:

a. Base Offense Level: Under Sections 1B1.3(a) and 2S1.1(a)(1), the base offense level is 30.

b. Specific Offense Characteristics. Under Section 2S1.1(b)(2)(B), because the defendant will be convicted under Title 18, United States Code, Section 1956, his offense level will increase 2 levels to an offense level of 32.

c. Role in the Offense. Pursuant to Section 3B1.1(a), the defendant was an organizer or leader of a criminal activity that involved five or more participants or was otherwise extensive. Therefore, the offense level will increase by 4 to an offense level of 36.

14. Grouping, Final Offense Level. Under Section 2S1.1, commentary, application note 6, the two crimes to which the defendant has agreed to plead guilty are grouped together pursuant to Section 3D1.2(c). The combined offense level will be 42, pursuant to Section 3D1.3(a). Assuming the Court reduces the offense level by 3 based upon acceptance of responsibility under Section 3E1.1(b), the final offense level will be 39.


(defendant's initials)

15. The defendant agrees that \$55 million in United States currency constitutes or is derived from proceeds that the defendant obtained directly or indirectly as a result of the unlawful activity in the conspiracy — namely a conspiracy to violate Title 18, United States Code, Sections 1341, 1343, 2314, and 2315, all in violation of Title 18, United States Code, Section 371 — or is property traceable to such property. The defendant agrees that such amount is forfeitable pursuant to Title 18, United States Code, Section 981(a)(1)(C).

16. The defendant further agrees that \$55 million in United States currency was the amount of property involved in the unlawful activity set forth in the conspiracy to commit a violation of Title 18, United Code, Section 1957(a), all in violation of Title 18, United States Code, Section 1956(h), or is property traceable to such property. The defendant agrees that such amount is forfeitable pursuant to Title 18, United States Code, Section 982(a)(1).

17. The defendant agrees to the immediate entry of a forfeiture money judgment against him in the amount of \$55 million, as such amount is subject to forfeiture. The defendant agrees that the United States may forfeit any property of the defendant up to the value of the \$55 million forfeiture judgment and understands and agrees that the United States may seek the collection of the money judgment by attachment, garnishment, execution, or any other legal remedy on or against any property or asset belonging to the defendant, or in which the defendant has an interest, in order to satisfy the money judgment. The defendant agrees to assist this Office in the collection of the money judgment forfeiture including, but not limited, to the truthful completion of financial questionnaires, in addition to any questionnaires or forms required by the United States Probation Office, and the identification of all assets, regardless of their nature or form, that could be used to pay the money judgment, in whole or in part. The defendant agrees to assist in the transfer of such property to the

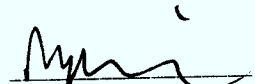
United States, and upon this Office's request, to deliver all necessary and appropriate documentation with respect to said assets, including consents to forfeiture, quit claim deeds, and any and all other documents necessary to deliver good and marketable title to said property. The defendant waives any claim or defense to the forfeiture money judgment, including any claim of excessive fine or penalty under the Eighth Amendment. The defendant knowingly and voluntarily waives any right to a jury trial or any other adversarial proceeding regarding the forfeitable property and waives any notification about forfeiture proceedings, whether administrative or judicial. The defendant further waives any statute of limitations with respect to the commencement of such forfeiture proceedings, whether administrative or judicial.

18. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the United States Probation Office is a prediction, not a promise, and is not binding on the government, the Probation Office, or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court, and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 2 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

19. The defendant is aware that Title 18, United States Code, Section 3742 and Title 28, United States Code, Section 1291 afford the defendant the right to appeal the sentence imposed in

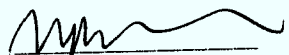
this case. Acknowledging this, in exchange for the undertakings made by this Office in this plea agreement, the defendant hereby waives all rights conferred by Sections 3742 and 1291 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure from the Guideline range that the Court establishes at sentencing. The defendant further understands that nothing in this plea agreement shall affect this Office's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b) and Title 28, United States Code, Section 1291. However, if this Office appeals the defendant's sentence pursuant to Sections 3742(b) and 1291, the defendant shall be released from the above waiver of appellate rights. By signing this plea agreement, the defendant acknowledges that the defendant has discussed the appeal collateral attack waiver set forth in this plea agreement with the defendant's attorney. The defendant further agrees, together with this Office, to request that the Court enter a specific finding that the defendant's waiver of the right to appeal the conviction and sentence to be imposed in this case was knowing and voluntary.

20. Defendant recognizes that pleading guilty may have consequences with respect to the defendant's immigration status if the defendant is not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offense(s) to which defendant is pleading guilty. Removal and other immigration consequences are the subject of a separate proceeding, however, and defendant understands that no one, including the defendant's attorney or the Court, can predict to a certainty the effect of the defendant's conviction on the defendant's immigration status. The defendant nevertheless affirms that he wants to plead guilty regardless of


(defendant's initials)

any immigration consequences that his plea may entail, even if the consequence is the defendant's automatic removal from the United States.

21. In the event that for any reason, the defendant does not change his plea or otherwise fully comply with this agreement, the defendant hereby agrees that any statements made by the him that are related in any way to the investigation that underlies this case, including any proffers or statements given or made by him prior to the execution of this plea agreement, will be fully admissible against him in any civil or criminal proceedings. The defendant further agrees that he knowingly waives any protection afforded by Section 1B1.8(a) of the United States Sentencing Guidelines as well as any protection afforded by Rule 11(e)(6) of the Federal Rules of Criminal Procedure.

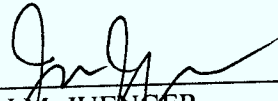

(defendant's initials)

22. This is the entire agreement and understanding between this Office and the defendant.

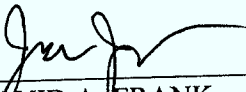
There are no other agreements, promises, representations, or understandings.

WIFREDO A. FERRER
UNITED STATES ATTORNEY

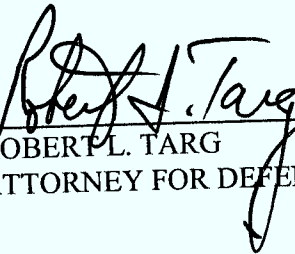
Date: 6/5/12

By: 
JON M. JUENGER
ASSISTANT UNITED STATES ATTORNEY

Date: 6/5/12

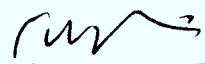
By: 
for: DAVID A. FRANK
TRIAL ATTORNEY,
U.S. DEPARTMENT OF JUSTICE
CONSUMER PROTECTION BRANCH

Date: 11/2/11

By: 
ROBERT L. TARG
ATTORNEY FOR DEFENDANT

Date: 11-2-11

By: 
WILLIAM D. RODRIGUEZ
DEFENDANT


(defendant's initials)