



U.S. Department of Justice

*United States Attorney  
District of Maryland  
Southern Division*

*United States Attorney  
District of Columbia*

September 22, 2008

Michael CitaraManis, Esq. <sup>545</sup>  
Assistant Federal Public Defender  
6411 Ivy Lane, Suite 710  
Greenbelt, Maryland 20770

Re: United States of America v. Jayrece Turnbull  
Crim. No. AW-08-0137

Dear Mr. CitaraManis:

This letter, together with the Sealed Supplement, confirms the plea agreement that has been offered to the Defendant by the United States Attorney's Office for the District of Maryland and the United States Attorney's Office for the District of Columbia (collectively, the "United States" or the "Government"). If the Defendant accepts this offer, please have her execute it in the spaces provided below. If this offer has not been accepted by September 26, 2008, it will be deemed withdrawn. The terms of the agreement are as follows:

Offenses of Conviction

1. The Defendant agrees to waive indictment and plead guilty to a Superseding Information to be filed against her, which will charge her with: (1) mail fraud, in violation of Title 18, United States Code, Section 1341; (2) receipt of stolen property, in violation of Title 18, United States Code, Section 2315; (3) conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h); and (4) tax evasion, in violation of Title 26, United States Code, Section 7201. The Defendant admits that she is, in fact, guilty of these offenses and will so advise the Court.

Elements of the Offenses

2. The elements of the offenses to which the Defendant has agreed to plead guilty, and which the Government would prove if the case went to trial, are:

Count One: 1) there was a scheme or artifice to defraud or to obtain money or property by materially false and fraudulent pretenses, representations or promises; 2) the defendant knowingly

and willfully participated in the scheme or artifice to defraud, with knowledge of its fraudulent nature and with specific intent to defraud; and 3) in execution of that scheme, the defendant used or caused the use of the mails.

Count Two: (1) certain property (checks and money) was stolen, converted or taken by fraud; (2) the defendant received, possessed, concealed, stored, bartered, sold, or disposed of the property; (3) the property had moved in, or was a part of, interstate commerce; (4) the value of the property was \$5,000 or more; and (5) the defendant knew the property had been stolen, converted, or unlawfully taken.

Count Three: 1) that two or more persons entered the unlawful agreement charged in Count Three of the Superseding Information, and 2) that the defendant knowingly and willfully became a member of that conspiracy.

Count Four: 1) the defendant owed substantially more federal income tax for a calendar year than was declared due on her income tax return; 2) the defendant committed the affirmative act constituting tax evasion described in the Superseding Information; and 3) the defendant acted willfully.

#### Penalties

3. The maximum sentence provided by statute for the offenses to which the Defendant is pleading guilty are:

Count One: imprisonment for 30 years, a term of supervised release of five years, and a fine of \$1,000,000.

Count Two: imprisonment for 10 years, a term of supervised release of three years, and a fine of \$250,000;

Count Three: imprisonment for 20 years, a term of supervised release of three years, and a fine of \$500,000 or twice the value of the transaction, whichever is greater;

Count Four: imprisonment for 5 years, a term of supervised release of three years, and a fine of \$250,000 or the greater of twice the gross gain or twice the gross loss, as set forth in 18 U.S.C. § 3571.

In addition, the Defendant must pay \$400 as a special assessment pursuant to 18 U.S.C. § 3013, which will be due and should be paid at or before the time of sentencing. This Court may order her



to make restitution pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.<sup>1</sup> If a fine or restitution is imposed, it shall be payable immediately, unless, pursuant to 18 U.S.C. § 3572(d), the Court orders otherwise. The Defendant understands that if she serves a term of imprisonment, is released on supervised release, and then violates the conditions of her supervised release, her supervised release could be revoked - even on the last day of the term - and the Defendant could be returned to custody to serve another period of incarceration and a new term of supervised release. The Defendant understands that the Bureau of Prisons has sole discretion in designating the institution at which the Defendant will serve any term of imprisonment imposed.

4. In consideration of your client's plea to the above offenses, your client will not be further prosecuted criminally by the Government for the conduct set forth in the attached Statement of Facts.

#### Waiver of Rights

5. The Defendant understands that by entering into this agreement, she surrenders certain rights as outlined below:

(a) If the Defendant had persisted in her plea of not guilty, she would have had the right to a speedy jury trial with the close assistance of competent counsel. That trial could be conducted by a judge, without a jury, if the Defendant, the Government, and the Court all agreed.

(b) If the Defendant elected a jury trial, the jury would be composed of twelve individuals selected from the community. The Defendant would have the opportunity to challenge prospective jurors who demonstrated bias or who were otherwise unqualified, and you would have the opportunity to strike a certain number of jurors peremptorily. All twelve jurors would have to agree unanimously before the Defendant could be found guilty of any count. The jury would be instructed that the Defendant was presumed to be innocent, and that presumption could be overcome only by proof beyond a reasonable doubt.

(c) If the Defendant went to trial, the Government would have the burden of proving the Defendant guilty beyond a reasonable doubt. The Defendant would have the right to confront and cross-examine the Government's witnesses. The Defendant would not have to present any defense witnesses or evidence whatsoever. If the Defendant wanted to call witnesses in her defense, however, she would have the subpoena power of the Court to compel the witnesses to attend.

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<sup>1</sup> Pursuant to 18 U.S.C. § 3612, if the Court imposes a fine in excess of \$2,500 that remains unpaid 15 days after it is imposed, the Defendant shall be charged interest on that fine, unless the Court modifies the interest payment in accordance with 18 U.S.C. § 3612(f)(3).

(d) The Defendant would have the right to testify in her own defense if she so chose, and she would have the right to refuse to testify. If she chose not to testify, the Court could instruct the jury that they could not draw any adverse inference from her decision not to testify.

(e) If the Defendant were found guilty after a trial, she would have the right to appeal the verdict to see if any errors were committed that would require a new trial or dismissal of the charges against her.

(f) By pleading guilty, the Defendant will be giving up all of these rights, except the right, under the limited circumstances set forth in the "Waiver of Appeal" paragraph below, to appeal the sentence. By pleading guilty, the Defendant understands that she may have to answer the Court's questions both about the rights she is giving up and about the facts of her case. Any statements the Defendant makes during such a hearing would not be admissible against her during a trial except in a criminal proceeding for perjury or false statement.

(g) If the Court accepts the Defendant's plea of guilty, there will be no further trial or proceeding of any kind, and the Court will find her guilty.

(h) By pleading guilty, the Defendant will also be giving up certain valuable civil rights.

#### Advisory Sentencing Guidelines Apply

6. The Defendant understands that a sentencing guidelines range for this case (henceforth the "advisory guidelines range") will be determined by the Court pursuant to the Sentencing Reform Act of 1984 at 18 U.S.C. §§ 3551-3742 (excepting 18 U.S.C. §§ 3553(b)(1) and 3742(e)) and 28 U.S.C. §§ 991-998. The Defendant further understands that the Court will impose a sentence pursuant to the Sentencing Reform Act, as excised, and must take into account the advisory guidelines range.

#### Factual and Advisory Guidelines Stipulation

7. The Government and the Defendant understand, agree and stipulate to the Statement of Facts set forth in Attachment A which would be proved beyond a reasonable doubt and set forth the following agreed-upon and disputed applicable sentencing guidelines factors:

(a) Count One:

(i) The base offense level is 6, pursuant to U.S.S.G. § 2B1.1(a)(2).

(ii) The Government will argue that an 22-level upward adjustment applies, pursuant to U.S.S.G. § 2B1.1(b)(1)(L), because the loss amount associated with relevant conduct was more than \$20,000,000 but not more than \$50,000,000. The Defendant will argue that



an 14-level upward adjustment applies, pursuant to U.S.S.G. § 2B1.1(b)(1)(H), because the loss amount associated with relevant conduct was more than \$400,000 but not more than \$1,000,000.

(b) Count Two:

(i) The base offense level is 6, pursuant to U.S.S.G. § 2B1.1(a)(2).

(ii) The Government will argue that an 22-level upward adjustment applies, pursuant to U.S.S.G. § 2B1.1(b)(1)(L), because the loss amount associated with relevant conduct was more than \$20,000,000 but not more than \$50,000,000. The Defendant will argue that an 14-level upward adjustment applies, pursuant to U.S.S.G. § 2B1.1(b)(1)(H), because the loss amount associated with relevant conduct was more than \$400,000 but not more than \$1,000,000.

(c) Count Three:

(i) Pursuant to U.S.S.G. § 2S1.1(a)(1), the offense level from the underlying offense from which the laundered funds were derived is the base offense level for Count Two. Thus, depending on the Court's finding as to the adjusted offense level for Count One, the base offense level for Count Two is either 28 (the Government's position) or 20 (the Defendant's position).

(ii) A 2-level upward adjustment applies, pursuant to U.S.S.G. § 2S1.1(b)(2)(B), because the offense of conviction is 18 U.S.C. § 1956.

(iii) A 2-level upward adjustment applies, pursuant to U.S.S.G. § 2S1.1(b)(3), because the offense involved sophisticated laundering.

(d) Count Four:

(i) The government will argue that the base offense level is 20, pursuant to U.S.S.G. § 2T1.1(a)(1) (referencing U.S.S.G. § 2T4.1(H)), because the tax loss was more than \$400,000 but not more than \$1,000,000. The defendant will argue that the base offense level is 16, pursuant to U.S.S.G. § 2T1.1(a)(1) (referencing U.S.S.G. § 2T4.1(F)), because the tax loss was more than \$80,000 but not more than \$200,000.

(ii) A 2-level upward adjustment applies, pursuant to U.S.S.G. § 2T1.1(b)(1), because the defendant failed to report or to correctly identify the source of income exceeding \$10,000 in any year from criminal activity. The adjusted offense level is 22 (the Government's position) or 18 (the Defendant's position).

(e) Counts One through Four are closely related offenses, pursuant to U.S.S.G. § 3D1.2. The adjusted offense level is 32 (the Government's position) or 24 (the Defendant's position).

(f) The Government does not oppose a two-level reduction in the Defendant's adjusted offense level, based upon the Defendant's apparent prompt recognition and affirmative acceptance of personal responsibility for her criminal conduct. However, the Government will not make a motion pursuant to U.S.S.G. § 3E1.1(b) for an additional one-level reduction. The Government may oppose *any* adjustment for acceptance of responsibility if the Defendant (a) fails to admit each and every item in the factual stipulation; (b) denies involvement in the offense; (c) gives conflicting statements about her involvement in the offense; (d) is untruthful with the Court, the Government, or the United States Probation Office; (e) obstructs or attempts to obstruct justice prior to sentencing; (f) engages in any criminal conduct between the date of this agreement and the date of sentencing; (g) attempts to withdraw her plea of guilty; or (h) falsely denies, or frivolously contests, relevant conduct that the court determines to be true. The adjusted offense level is 30 (the Government's position) or 22 (the Defendant's position).

8. The Defendant understands that there is no agreement as to her criminal history or criminal history category, and that her criminal history could alter her offense level if she is a career offender or if the instant offense was a part of a pattern of criminal conduct from which she derived a substantial portion of her income.

9. The Government and the Defendant agree that, with respect to the calculation of the advisory guideline range, no other offense characteristics, sentencing guidelines factors, potential departures or adjustments set forth in the United States Sentencing Guidelines will be raised or are in dispute.

#### Forfeiture

10. The Defendant agrees to criminal forfeiture of a money judgment of at least \$410,000, which she agrees constitutes an amount of property involved in the conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h). The Defendant agrees that the above-described amount is subject to forfeiture pursuant to 18 U.S.C. § 982(a)(1). The Defendant agrees that the Government will be permitted to argue that the amount of property involved in the conspiracy to commit money laundering is higher, and that the money judgment against the Defendant should be up to \$24,521,720.66. In order to effectuate the forfeiture, the Defendant agrees to the entry of a Consent Order of Forfeiture, a copy of which is attached, in the form of a money judgment in the amount of the loss as determined by the Court, as well as to forfeit all interests in any property real or personal that was involved in her offense, including, but not limited to, the following specific property, the value of which (net of any costs incurred in seizure, storing, and disposing of such property) upon administrative, civil or criminal forfeiture will be considered as partial satisfaction of the money judgment upon its forfeiture to the government:



Real Property:

The property located at 2206 Bernondsey Drive, Bowie, MD 20721

The property located at La Urb. Maria Josefina No. 1, Calle 1RA, Santo Domingo,  
Dominican Republic

The property located at Casa de Play en Palmar de Ocoa Road, Santo Domingo,  
Dominican Republic

Personal Property:

All funds in the following bank accounts:

Bank of America Account No. 1913062655

Bank of America Account No. 1924497785

Bank of America Account No. 1925882467

Bank of America Account No. 2011518610

Bank of America Account No. 3913191333

Bank of America Account No. 3913191346

Bank of America Account No. 3913191359

Bank of America Certificate of Deposit No. 91000077388272

Bank of America Certificate of Deposit No. 91000056445327

Bank of America Certificate of Deposit No. 91000056445330

Bank of America Certificate of Deposit No. 91000056445356

Bank of America Certificate of Deposit No. 91000056445369

Bank of America Certificate of Deposit No. 91000056445385

Bank of America Certificate of Deposit No. 91000067749070

Bank of America Certificate of Deposit No. 91000067749096

Bank of America Certificate of Deposit No. 91000067749106

Bank of America Certificate of Deposit No. 91000067749135

Bank of America Certificate of Deposit No. 91000015728849

Bank of America Certificate of Deposit No. 91000015599492

SunTrust Bank Account No. 58028316

BB&T Bank Account No. 5154602544

BB&T Bank Account No. 5154602536

BanReservas Account No. 320-000318-1

BanReservas Account No. 320-006941-0

Bank of America Investment Services Account No. W13-105155

AIG SunAmerica Account No. P79A3517957

A 2005 Mercedes Benz ML350 automobile, VIN 4JGAB57EX5A533516

\$10,515 in U.S. Currency (CATS No. 08-FBI-000641)

Three plasma televisions (CATS No. 08-FBI-000638)

Miscellaneous jewelry (CATS No. 08-FBI-000639)

Designer handbags and shoes (CATS No. 08-FBI-000640)

Versace China (CATS No. 08-FBI-000642)

Fur hats (CATS No. 08-FBI-000643)

11. The money judgment referenced in Paragraph 10 will be reduced by the net value received by the government from the Subject Properties and any substitute asset forfeited as part of this Agreement as described in the Consent Order of Forfeiture. The Defendant agrees that, notwithstanding how such assets may have been titled, she owns and exercises dominion and control over every asset listed in the Consent Order.

12. The Defendant also agrees to identify all assets over which she exercises control, directly or indirectly, (or has exercised such control, within the past five years), and all assets in which she has or had during that time any financial interest. The Defendant agrees to take all steps as requested by the Government to obtain from any other parties by any lawful means any records of assets owned at any time by the Defendant. The Defendant agrees to forfeit to the United States all of the Defendant's interests in any asset of a value of more than \$1000 that, within the last five years, the Defendant owned, or in which the Defendant maintained an interest, the ownership of which the Defendant fails to disclose to the Government in accordance with this Plea Agreement.

13. The Defendant agrees to consent to the entry of orders of forfeiture for the money judgment and assets identified above and waives the requirements of Federal Rules of Criminal Procedure 32.2 regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. The Defendant understands that the forfeiture of assets is part of the sentence that may be imposed in this case and the Defendant waives any failure by the Court to advise the Defendant of this, pursuant to Rule 11(b)(1)(J), at the time the Defendant's guilty plea is accepted.

14. The Defendant further agrees to waive all constitutional and statutory challenges in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Plea Agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment. The Defendant agrees to take all steps as requested by the Government to pass clear title to forfeitable assets to the United States. The Defendant acknowledges that all property covered by this Plea Agreement is subject to forfeiture as proceeds of illegal conduct, property involved in illegal conduct giving rise to forfeiture; and/or substitute assets for property otherwise subject to forfeiture.

15. From the forfeited assets, the government intends to provide the victim(s) with restitution. The government agrees that it will not oppose any request by the Defendant that the restitution ordered by the Court as part of a sentence be offset by the value of the assets turned over to the victim(s), by the government, through the administrative, civil or criminal forfeiture process.

#### Tax Obligations

16. Your client agrees to prepare and file accurate income tax returns (and amended tax



returns, where appropriate) for tax years 2005 through 2007 as soon as possible upon the execution of this Agreement, and in any event, no later than 30 calendar days after your client's sentencing. Your client agrees that the Court can determine the amount of tax loss for tax years 2005 through 2007 at the sentencing hearing. Your client agrees to pay all taxes, interest, and penalties due and owing to the Internal Revenue Service, including all taxes, interest, and penalties on her individual liabilities for the tax years 2005 through 2007. Your client further agrees not to conceal or dissipate funds or property that could be used to satisfy any tax obligations due and owing. Nothing in this Agreement shall otherwise limit the Internal Revenue Service in its determination of taxes, interest, and penalties.

#### Obligations of the United States

17. The parties reserve the right to bring to the Court's attention at the time of sentencing, and the Court will be entitled to consider, all relevant information concerning the Defendant's background, character and conduct.

18. At the time of sentencing, the Government and the Defendant are free to argue for any sentencing permitted by statute, including a sentence above or below the advisory sentencing guidelines range.

#### Restitution

19. The Defendant agrees to the entry of a Restitution Order for the full amount of the victim's losses as determined by the Court. The Defendant agrees that, pursuant to 18 U.S.C. §§ 3663 and 3663A and §§ 3563(b)(2) and 3583(d), the Court may order restitution of the full amount of the actual, total loss caused by the offense conduct set forth in the factual stipulation. The Defendant further agrees that she will fully disclose to the probation officer and to the Court, subject to the penalty of perjury, all information, including but not limited to copies of all relevant bank and financial records, regarding the current location and prior disposition of all funds obtained as a result of the criminal conduct set forth in the factual stipulation. The Defendant further agrees to take all reasonable steps to retrieve or repatriate any such funds and to make them available for restitution. If the Defendant does not fulfill this provision, it will be considered a material breach of this plea agreement, and the Government may seek to be relieved of its obligations under this agreement.

#### Waiver of Appeal

20. The Defendant and the Government knowingly and expressly waive all rights conferred by 18 U.S.C. § 3742 to appeal whatever sentence is imposed, including any fine, term of supervised release, or order of restitution and any issues that relate to the establishment of the advisory guidelines range, as follows: the Defendant waives any right to appeal from any sentence within or below the advisory guidelines range resulting from an adjusted offense level of 22, and the Government waives any right to appeal from any sentence within or above the advisory guidelines range resulting from an adjusted offense level of 30. Nothing in this agreement shall be construed

to prevent either the Defendant or the Government from invoking the provisions of Federal Rule of Criminal Procedure 35, and appealing from any decision thereunder, should a sentence be imposed that exceeds the statutory maximum allowed under the law or that is less than any applicable statutory mandatory minimum provision. The Defendant waives any and all rights under the Freedom of Information Act relating to the investigation and prosecution of the above-captioned matter and agrees not to file any request for documents from the Government or any investigating agency.

#### Court Not a Party

21. The Defendant expressly understands that the Court is not a party to this agreement. In the federal system, the sentence to be imposed is within the sole discretion of the Court. In particular, the Defendant understands that neither the United States Probation Office nor the Court is bound by the stipulation set forth above, and that the Court will, with the aid of the Presentence Report, determine the facts relevant to sentencing. The Defendant understands that the Court cannot rely exclusively upon the stipulation in ascertaining the factors relevant to the determination of sentence. Rather, in determining the factual basis for the advisory guidelines range, the Court will consider the stipulation, together with the results of the presentence investigation, and any other relevant information. The judge may consider any reliable evidence, including hearsay, in fashioning the sentence. The Defendant understands that the Court is under no obligation to accept the Government's recommendations, and the Court has the power to impose a sentence up to and including the statutory maximum stated above. The Defendant understands that if the Court ascertains factors different from those contained in the stipulation set forth above, or if the Court should impose any sentence up to the maximum established by statute, the Defendant cannot, for that reason alone, withdraw her guilty plea, and will remain bound to fulfill all of her obligations under this agreement. The Defendant understands that neither the prosecutor, her counsel, nor the Court can make a binding prediction, promise, or representation as to what guidelines range or sentence the Defendant will receive. The Defendant agrees that no one has made such a binding prediction or promise.

#### Entire Agreement

22. This letter does not bind any federal, state, or local prosecuting authority other than the United States Attorney's Office for the District of Maryland and the United States Attorney's Office for the District of Columbia. This letter, together with the Sealed Addendum, constitutes the entire plea agreement in this case. There are no other agreements, promises, undertakings or understandings between these Offices and the Defendant other than those set forth in this letter and addendum, and none will be entered into unless in writing and signed by all parties.

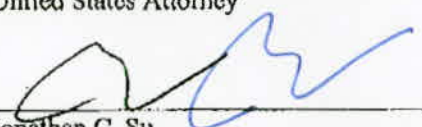


If the Defendant fully accepts each and every term and condition of this letter, please sign and have the Defendant sign the original and return it to me promptly.

Very truly yours,

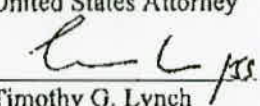

Rod J. Rosenstein  
United States Attorney

By:

  
Jonathan C. Su  
Deborah A. Johnston  
Assistant United States Attorneys for the  
District of Maryland

Jeffrey A. Taylor  
United States Attorney

By:

   
Timothy G. Lynch  
David S. Johnson  
Assistant United States Attorneys for the  
District of Columbia

I have read this agreement and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. Specifically, I have reviewed the Factual and Advisory Guidelines Stipulation with my attorney, and I do not wish to change any part of it. I understand this plea agreement, and I voluntarily agree to it. I am completely satisfied with the representation of my attorney.

9/26/08  
Date

Jayrece turnbull Jayrece turnbull  
Jayrece Turnbull

I am Jayrece Turnbull's attorney. I have carefully reviewed every part of this agreement with her. To my knowledge, her decision to enter into this agreement is an informed and voluntary one.

9/26/08  
Date

  
Michael Citaramanis, Esquire  
