

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

Case No. 10-CR-20881

UNITED STATES OF AMERICA

vs.

JORGE GRANADOS,

Defendant.

PLEA AGREEMENT

The United States Department of Justice, Criminal Division, Fraud Section (the “Department”) and JORGE GRANADOS (hereinafter referred to as the “defendant”) enter into the following agreement:

1. The defendant agrees to plead guilty to Count 1 of the above-captioned Indictment, charging him with conspiracy to violate the Foreign Corrupt Practices Act, in violation of 18 U.S.C. § 371.
2. The Department agrees to seek dismissal of the remaining 18 counts of the Indictment, as to this defendant, after sentencing.
3. The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter “Sentencing 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 Court’s 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 that sentence. 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 sentence. Knowing these 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 offense identified in paragraph one (1) and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

4. The defendant also understands and acknowledges that the Court may impose the following statutory maximum sentences: As to Count 1, a term of imprisonment of up to five (5) years, followed by a term of supervised release of up to three (3) years, and a fine equal to the greatest of: (i) \$250,000; (ii) twice the gross amount of any pecuniary gain that any person derived from the offense; or (iii) twice the gross amount of any pecuniary loss sustained by any victim of the offense. The Court may also order restitution.

5. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph three (3) of this agreement, a mandatory special assessment in the amount of \$100 will be imposed on the defendant. The defendant agrees that the special assessment imposed shall be paid at the time of sentencing.

6. The Department reserves the right to inform the Court and the 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 agreement, the Department further reserves the right to make any recommendation as to the quality and quantity of punishment.

7. Provided the defendant enters the guilty plea contemplated by this plea agreement in a timely fashion, the Department agrees that, although not binding on the probation office or the Court, it will recommend that the Court reduce by two levels the sentencing guideline level applicable to the defendant's offenses, pursuant to Section 3E1.1(a) of the Sentencing Guidelines, based upon the defendant's recognition and affirmative and timely acceptance of personal responsibility. Similarly, if at the time of sentencing the defendant's offense level is determined to be sixteen (16) or greater, the Department 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 Department to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently. The Department, however, will not be required to make this sentencing recommendation if the defendant: (a) fails or refuses to make full, accurate, and complete disclosure to the Department and the probation office of the circumstances surrounding the relevant offense conduct and his present financial condition; (b) is found to have misrepresented facts to the government prior to entering this plea agreement; or (c) 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.

8. The defendant understands and acknowledges that, although not binding on the probation office or the Court, the Department will recommend that the Court make the following findings and conclusions as to the sentence to be imposed:

a. Applicable Guidelines Manual: Pursuant to Section 1B1.11(a) of the Sentencing Guidelines, the applicable Guidelines Manual is the 2010 edition.

b. Applicable Guideline Offense and Base Offense Level: Pursuant to Section 2C1.1 of the Sentencing Guidelines, the base offense level for

JW *(A4)* *JW* *(A4)* *JW* *(A4)* *JW*
both Count 1 ~~and 2~~ ^{is twelve (12)} ~~is twelve (12)~~. U.S.S.G. § 2C1.1(a)(2).
c. Specific Offense Characteristics: The following offense characteristics

apply under Section 2C1.1(b):

(i) The offenses involved more than one bribe. Accordingly, the offense level is increased by two (2) levels. U.S.S.G. § 2C1.1(b)(1).

(ii) The offenses involved more than \$400,000 but less than \$1,000,000 in bribe payments. Accordingly, the offense level is increased by fourteen (14) levels. U.S.S.G. §§ 2C1.1(b)(2); 2B1.1(b)(1)(H).

(iii) The offenses involved a public official in a high-level decision-making or sensitive position. Accordingly, the offense level is increased by four (4) levels. U.S.S.G. § 2C1.1(b)(3).

d. Role in the offense: The defendant was an organizer or leader and the criminal activity involved five or more participants or was otherwise

extensive. Accordingly, the offense level is increased by four (4) levels.

U.S.S.G. § 3B1.1(b).

- e. Overall guideline range: The adjusted offense level, assuming a 3-level reduction for acceptance of responsibility as contemplated in paragraph seven (7) above, is a level 33, and the applicable sentencing guideline range (assuming a Criminal History Category of I) is 135-168 months' imprisonment.

9. This agreement is limited to the United States Department of Justice, Criminal Division, Fraud Section, and as such, does not and cannot bind other federal, state, regulatory, or local prosecuting authorities.

10. The defendant is aware that the sentence has not yet been determined by the Court. The defendant is also 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 Department, or the probation office, is a prediction, not a promise, and is not binding on the Department, the probation office, or the Court. The defendant understands further that any recommendation that the Department 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 three (3) above, that he may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the Department, or a recommendation made jointly by both the defendant and the Department.

11. The defendant is aware that Title 18, United States Code, Section 3742, affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in

exchange for the undertakings made by the Department in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, or to collaterally attack the conviction, any sentence imposed, or the manner in which sentence was imposed, including any restitution order, pursuant to Title 28, United States Code, Sections 2241, 2254, 2255, or any other applicable provision, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure from the Sentencing Guidelines range that the Court establishes at sentencing. The defendant further understands that nothing in this plea agreement shall affect the Department's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). If the Department appeals the defendant's sentence pursuant to Section 3742(b), however, the defendant shall be released from the above waiver of appellate rights. By signing this plea agreement, the defendant acknowledges that he has discussed the appeal and collateral attack waiver set forth in this plea agreement with the defendant's attorney. The defendant further agrees, together with the Department, to request that the Court enter a specific finding that the defendant's waiver of the right to appeal the sentence to be imposed in this case was knowing and voluntary.

12. In the event the defendant withdraws from this agreement prior to or after pleading guilty to the charge identified in paragraph one (1) above, or otherwise fails to fully comply with any of the terms of this plea agreement, the Department will be released from its obligations under this agreement.

13. The Department represents that the undersigned prosecutors are unaware of any information establishing the factual innocence of the defendant in the offense referred to in paragraph one (1) of this agreement. The Department understands it has a continuing duty to

provide such information establishing factual innocence of the defendant. The defendant understands that if this case proceeded to trial, the Department would be required to provide impeachment information relating to any informants or other witnesses. In addition, if the defendant raised an affirmative defense, the Department would be required to provide information in its possession that supports such a defense. Further, if this case proceeded to trial, the Department would be required to provide other information and materials in accordance with Fed. R. Crim. P. 16 and the Southern District of Florida's Standing Discovery Order. In return for the Department's promises set forth in this agreement, the defendant waives the right to receive in discovery any such information and materials other than information and materials establishing the factual innocence of the defendant, and agrees not to attempt to withdraw the guilty plea or to file a collateral attack based on the existence of such information and materials other than information and materials establishing the factual innocence of the defendant.


14. The Department agrees that it will not seek additional upward specific offense characteristics, enhancements, or upward departures to or from the defendant's offense level beyond those, if any, specifically referred to in this agreement, except that the Department shall have the right in its discretion to seek additional upward specific offense characteristics, enhancements, or upward departures to or from the defendant's offense level beyond those, if any, specifically referred to in this agreement where any such additional upward specific offense characteristics, enhancements, or upward departures to or from the defendant's offense level would be based on conduct occurring after the defendant enters into this agreement. However, in the event the probation office recommends any specific offense characteristics, enhancements, reductions, or departures to or from the defendant's offense level other than those, if any,

specifically referred to in this agreement, either party shall have the right but not the obligation to oppose any such recommendation.

15. This is the entire agreement and understanding between the Department and the defendant. There are no other agreements, promises, representations, or understandings.

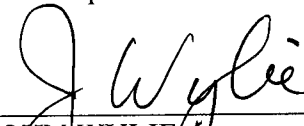
DENIS J. McINERNEY
Chief, Fraud Section
Criminal Division

Date: 5-19-2011

By: 
AMANDA AIKMAN
Trial Attorney

Fraud Section, Criminal Division
U.S. Department of Justice

Date: 5/19/11

By: 
JOHN WYLIE
Attorney for Defendant

Date: 5/19/11

By: 
JORGE GRANADOS
Defendant