

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:20CR424
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
v.)	
)	
MARGARET COLE,)	PLEA AGREEMENT
)	
Defendant.)	

Pursuant to Rules 11(b) and (c)(1)(a) of the Federal Rules of Criminal Procedure, and in consideration of the mutual promises set forth below, the United States Attorney's Office for the Northern District of Ohio and the United States Department of Justice, Criminal Division, Fraud Section (collectively, the "United States" or the "Government"), by and through their undersigned attorneys, and the defendant, MARGARET COLE (hereinafter "Defendant"), agree as follows:

**MAXIMUM PENALTIES AND OTHER
CONSEQUENCES OF PLEADING GUILTY**

1. **Waiver of Constitutional Trial Rights.** Defendant understands that Defendant has the right to plead not guilty and go to trial. At trial, Defendant would be presumed innocent, have the right to trial by jury or, with the consent of the United States, to trial by the Court, the

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right to the assistance of counsel, the right to confront and cross-examine adverse witnesses and subpoena witnesses to testify for the defense, the right to testify and present evidence, and the right to be protected from compelled self-incrimination. Defendant understands that Defendant has the right to an attorney at every stage of the proceedings and, if necessary, one will be appointed to represent Defendant. Defendant understands that by pleading guilty, Defendant specifically and voluntarily waives each of these trial rights, except the right to counsel. Defendant understands that a guilty plea is a complete admission of guilt and if the Court accepts the guilty plea, the Court will find Defendant guilty without a trial.

2. **Statutory Penalties.** Defendant understands that the statutory maximum penalties, and minimum penalties if applicable, for the counts to which Defendant agrees to plead guilty are as follows:

Counts	Statute and Description of Offense	Statutory Sentence Per Count
11	Title 18 U.S.C. § 371: Conspiracy to Defraud the United States	Maximum imprisonment: 5 years
		Maximum Statutory fine: \$250,000.00 or twice the pecuniary gain or loss
		Maximum period of supervised release: 3 years
		Special assessment: \$100
13	Title 42 U.S.C. § 14944: False Statement to the Polish Central Authority	Maximum imprisonment: 5 years
		Maximum Statutory fine: \$250,000.00
		Maximum period of supervised release: 3 years
		Special assessment: \$100

3. **Special Assessment.** As set forth above, Defendant will be required to pay a mandatory special assessment of \$100 for each count of conviction, for a total of \$200, due immediately upon sentencing.

4. **Costs.** The Court may order Defendant to pay the costs of prosecution and sentence, including but not limited to imprisonment, community confinement, home detention, probation, and supervised release.

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5. **Restitution.** The Court may order Defendant to pay restitution as a condition of the sentence, probation, and/or supervised release.

6. **Violation of Probation/Supervised Release.** If Defendant violates any term or condition of probation or supervised release, such violation could result in a period of incarceration or other additional penalty as imposed by the Court. In some circumstances, the combined term of imprisonment under the initial sentence and additional period of incarceration could exceed the maximum statutory term.

7. **Immigration Consequences.** Defendant understands that a convicted person who is not a United States citizen may be removed from the United States, denied citizenship and denied admission to the United States in the future.

PLEAS AND OTHER CHARGES

8. **Agreement to Plead Guilty.** Defendant agrees to plead guilty to Counts 11 and 13 in this case.

9. **Dismissal of Counts.** Upon sentencing, the Government will move to dismiss the charges against Defendant in Count 12 of the Indictment filed in this case on or about August 13, 2020 (ECF 1).

10. **Agreement Not to Bring Certain Other Charges.** The Government will not bring any other criminal charges against Defendant for violations known to the Government on the date of the execution of this agreement as it relates to this investigation or relating to conduct charged in the Indictment and/or described in the Factual Basis section of this agreement based on facts currently within the knowledge of the Government.

ELEMENTS OF THE OFFENSE

11. The elements of the offenses to which Defendant will plead guilty are:

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Count 11: Title 18 U.S.C. § 371: Conspiracy to Defraud the United States
1: Two or more persons conspired, or agreed, to defraud the United States, or one of its agencies or departments, by dishonest means;
2: The Defendant knowingly and voluntarily joined the conspiracy; and
3: A member of the conspiracy did one of the overt acts described in paragraph 94 in the indictment for the purpose of advancing or helping the conspiracy.

Count 13: Title 42 U.S.C. § 14944: False Statement to the Polish Central Authority
1: Defendant made a false or fraudulent statement, or misrepresentation, with respect to a material fact;
2: Defendant did so knowingly and willfully; and
3: Defendant intended the false or fraudulent statement, or misrepresentation, to influence a decision or action of any entity performing a central authority function, to wit: the Polish Central Authority.

SENTENCING STIPULATIONS AND AGREEMENTS

12. **Sentencing Guidelines.** Defendant understands that sentencing rests within the discretion of the Court; that federal sentencing law requires the Court to impose a sentence which is sufficient, but not greater than necessary, to comply with the purposes of 18 U.S.C. § 3553(a), and that the Court must consider among other factors the advisory United States Sentencing Guidelines in effect at the time of sentencing and that in determining the sentence, the Court may depart or vary from the advisory guideline range.

13. **Presentence Report.** Defendant understands that the advisory guideline range will be determined by the Court at the time of sentencing, after a presentence report has been prepared by the U.S. Probation Office and reviewed by the parties. Defendant further understands that the Government may provide to the U.S. Probation Office all known information regarding Defendant's conduct subject to its limited use under U.S.S.G. § 1B1.8.

14. **No Agreement about Sentence or Sentencing Range.** The parties have no agreement about the sentencing range to be used or sentence to be imposed in this case. Each party is free to recommend whatever sentence it believes to be appropriate.

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15. **Sentencing Recommendations Not Binding on the Court.** Defendant understands that the recommendations of the parties will not be binding upon the Court, that the Court alone will decide the advisory guideline range under the Sentencing Guidelines, whether there is any basis to depart from that range or impose a sentence outside the advisory guideline range, and what sentence to impose. Defendant further understands that once the Court has accepted Defendant's guilty plea, Defendant will not have the right to withdraw such a plea if the Court does not accept any sentencing recommendations made on Defendant's behalf or if Defendant is otherwise dissatisfied with the sentence.

16. **Allocution.** Defendant understands and agrees that the Government reserves the opportunity to speak at Defendant's sentencing. The Government agrees that Defendant reserves the right of allocution at sentencing.

17. **Guideline Computation.** The Government submits that the following calculation, using the current advisory Sentencing Guidelines Manual, represents the correct computation of the applicable offense level. Defendant disagrees with this calculation and is free to argue for a different computation at sentencing.

Conspiracy to Defraud the United States and False Statement to Polish Central Authority		
Base offense level	6	§ 2B1.1(a)(2)
Substantial part of scheme overseas / sophisticated means	+2	§ 2B1.1(b)(10)
Increase to level 12 required by enhancement	+4	§ 2B1.1(b)(10)
Vulnerable victim	+2	§ 3B1.1(c)
Organizer / leader in criminal activity	+2	§ 3B1.1(c)
Abuse of Position of Trust or Special Skill	+2	§ 3B1.3
Subtotal	18	

18. **Acceptance of Responsibility.** The Government has no reason to believe at this time that Defendant has not clearly and affirmatively accepted personal responsibility for Defendant's criminal conduct pursuant to U.S.S.G § 3E1.1(a). The Defendant understands that

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the Government will not move for the additional decrease of 1 level pursuant to U.S.S.G. § 3E1.1(b). Defendant understands it will be up to the Court at the time of sentencing to determine whether a reduction for acceptance of responsibility is appropriate.

19. **Criminal History Category.** The parties have no agreement about the Criminal History Category applicable in this case. Defendant understands that the Criminal History Category will be determined by the Court after the completion of a Pre-Sentence Investigation by the U.S. Probation Office.

WAIVER OF APPEAL AND POST-CONVICTION ATTACK

20. Defendant acknowledges having been advised by counsel of Defendant's rights, in limited circumstances, to appeal the conviction or sentence in this case, including the appeal right conferred by 18 U.S.C. § 3742, and to challenge the conviction or sentence collaterally through a post-conviction proceeding, including a proceeding under 28 U.S.C. § 2255.

Defendant expressly and voluntarily waives those rights, except as specifically reserved below. Defendant reserves the right to appeal: (a) any punishment in excess of the statutory maximum; or (b) any sentence to the extent it exceeds the maximum of the sentencing imprisonment range determined under the advisory Sentencing Guidelines in accordance with paragraphs 17 and 18 of this agreement, using the Criminal History Category found applicable by the Court. Nothing in this paragraph shall act as a bar to Defendant perfecting any legal remedies Defendant may otherwise have on appeal or collateral attack with respect to claims of ineffective assistance of counsel or prosecutorial misconduct.

WAIVER OF STATUTE OF LIMITATIONS

21. Defendant waives all defenses based on the statute of limitations with respect to any prosecution that is not already time-barred by the applicable statute of limitation on the date of Defendant's signing of this agreement and that is commenced within one year after any of the

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following events: (1) Defendant fails to plead guilty at the plea proceeding or the Court refuses to accept a guilty plea by Defendant pursuant to this agreement; (2) the Court permits Defendant to withdraw a guilty plea entered pursuant to this agreement or otherwise vacates such a guilty plea; or (3) the conviction obtained pursuant to this agreement is vacated, overturned, or otherwise set aside. Defendant understands the waiver of the statute of limitations is effective immediately upon Defendant's signing of this agreement and is not conditioned upon the approval of this agreement by the Court.

FACTUAL BASIS AND RELEVANT CONDUCT

22. The parties' agreement is contingent upon Defendant making an allocution, to the satisfaction of the Court, that Defendant committed the crimes charged in Count 11 and Count 13 of the indictment and, specifically, that Defendant's conduct satisfies each element of Count 11 and Count 13 as set forth in Paragraph 11 above.

23. Defendant also agrees that the following summary fairly and accurately sets forth Defendant's offense conduct and a factual basis for the guilty plea. Defendant further agrees that the facts set forth in the summary are true and could be established beyond a reasonable doubt if the case were to proceed to trial:

24. From in or around June 2015 to in or around at least December 2016, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant and Debra Parris, together with Co-Conspirator 1 and others, did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with others both known and unknown, to defraud the United States, and one of its agencies and departments, by dishonest means.

25. In furtherance of the conspiracy, and to affect the objects thereof, Defendant, Debra Parris, Co-Conspirator 1, and others, committed at least one of the overt acts in Paragraph 94 of the Indictment, in the Northern District of Ohio, Eastern Division.

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26. On or about December 11, 2016, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant knowingly and willfully made a false and fraudulent statement and misrepresentation with respect to a material fact intended to influence and effect a decision and action by an entity performing a central authority function, specifically, Defendant caused the submission of a false and fraudulent letter to the Polish Central Authority.

27. Defendant acknowledges that the above summary of Defendant's conduct does not set forth each and every fact that the Government could prove at trial, nor does it encompass all of the acts which Defendant committed in furtherance of the offenses to which Defendant is pleading guilty.

RESTITUTION

28. **Restitution.** Defendant agrees to make full restitution as ordered by the Court pursuant to 18 U.S.C. § 3663A payable immediately on such terms and conditions as the Court may impose, for the losses caused by Defendant's relevant conduct in this case, as defined under Guideline § 1B1.3. Defendant agrees not to seek the discharge of any restitution obligation, in whole or in part, in any present or future bankruptcy proceeding. Defendant understands that pursuant to 18 U.S.C. § 3664, the Court shall order the U.S. Probation Office to prepare a report containing information sufficient for the Court to fashion a restitution order. In preparing that report, the U.S. Probation Office may solicit the views of the Government, Defendant, and any victim. Defendant understands that victims have the right to present their position on restitution directly to the Court at the time of sentencing.

OTHER PROVISIONS

29. **Financial Statement.** Defendant agrees to submit to the Government a complete and accurate financial statement on a Financial Statement of Debtor Form within 30 days from the date of Defendant's entry of a guilty plea.

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30. **The Parties are Free to Advise the Court about Matters Not Expressly Addressed.** This agreement is silent about all aspects of the determination of sentence not expressly addressed herein, and the parties are free to advise the Court of facts and to make recommendations to the Court with respect to all aspects of sentencing not agreed to herein.

31. **Consequences of Breaching the Plea Agreement.** Defendant understands that if Defendant breaches any promise in this agreement, commits additional crimes, obstructs justice, attempts to withdraw Defendant's guilty plea, or if Defendant's guilty plea is rejected by the Court or is vacated or set aside, the Government will be released from all of its obligations under this agreement and may institute or maintain any charges and make any recommendations with respect to sentencing that otherwise would be prohibited under the terms of the agreement. Defendant understands, however, that a breach of the agreement by Defendant will not entitle Defendant to withdraw, vacate, or set aside Defendant's guilty plea or conviction.

32. **Agreement not Binding on other Jurisdictions and Agencies.** Defendant understands that this plea agreement is binding only on the United States Attorney's Office for the Northern District of Ohio and the Fraud Section of the Criminal Division of the U.S. Department of Justice. It does not bind any other United States Attorney, any other federal agency, or any state or local government.

33. **Defendant is Satisfied with Assistance of Counsel.** Defendant makes the following truthful statements: I have discussed this case and this plea agreement in detail with my attorneys who has advised me of my Constitutional and other trial and appeal rights, the nature of the charges, the elements of the offenses the United States would have to prove at trial, the evidence the United States would present at such trial, possible defenses, the advisory Sentencing Guidelines and other aspects of sentencing, potential losses of civil rights and

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privileges, and other potential consequences of pleading guilty in this case. I have had sufficient time and opportunity to discuss all aspects of the case in detail with my attorneys and have told my attorney everything I know about the charges, any defenses I may have to the charges, and all personal and financial circumstances in possible mitigation of sentence. I am satisfied with the legal services and advice provided to me by my attorney.

34. **Agreement Is Complete and Voluntarily Entered.** Defendant and Defendant's undersigned attorneys state that this agreement, including any addendums discussed in open court and on the record at the time of the change of plea (if any), is the entire agreement between Defendant and the Government and that no other promises or inducements have been made, directly or indirectly, by any agent or representative of the United States government concerning any plea to be entered in this case. In particular, no promises or agreements have been made with respect to any actual or prospective civil or administrative proceedings or actions involving Defendant, except as expressly stated herein. In addition, Defendant states that no person has threatened or coerced Defendant to do or to refrain from doing anything in connection with this case, including Defendant's decision to enter a guilty plea. Finally, Defendant acknowledges that this agreement cannot be modified unless in writing and subject to approval by the Court.


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SIGNATURES

Defendant: I have read (or have had read to me) this entire plea agreement and have discussed it with my attorneys. I have initialed each page of the agreement to signify that I understand and approve the provisions on that page. I am entering this agreement voluntarily and of my own free will. No threats have been made to me, nor am I under the influence of anything that could impair my ability to understand this agreement.




Margaret Cole
Defendant

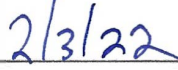


Date

Defense Counsel: I have read this plea agreement and concur in Defendant pleading in accordance with terms of the agreement. I have explained this plea agreement to Defendant, and to the best of my knowledge and belief, Defendant understands the agreement.




Justin Roberts, Esq.
Edmund Searby, Esq.
Allen Carter, Esq.
Counsel for Defendant




Date


United States Attorney's Office: I accept and agree to this plea agreement on behalf of the United States Attorney for the Northern District of Ohio.



Chelsea S. Rice (0076905)
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Date

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Fraud Section: I accept and agree to this plea agreement on behalf of the United States Department of Justice, Criminal Division, Fraud Section.

Jason Manning

February 4, 2022

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Date

APPROVED:

James S. Gwin

2/4/2022

JAMES S. GWIN
United States District Court Judge

Date

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