

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 11-112 (MJD/JJK)

UNITED STATES OF AMERICA,)
)
 Plaintiff,) **PLEA AGREEMENT AND**
) **SENTENCING STIPULATIONS**
 v.)
)
 JON JASON GRECO,)
)
 Defendant.)

The United States of America and John Jason Greco (hereinafter referred to as the "defendant") agree to resolve this case on the terms and conditions that follow. This plea agreement binds only the defendant and the United States Attorney's Office for the District of Minnesota. This agreement does not bind any other United States Attorney's Office or any other federal or state agency.

1. **Charges.** The defendant agrees to plead guilty to Count 2 of the Indictment, which charges the defendant with making a false and material statement, in violation of Title 18, United States Code, Section 1001(a)(2).

2. **Factual Basis.**

On July 27, 2010, in the State and District of Minnesota, the defendant knowingly and willfully made a false material statement and representation in a matter within the jurisdiction of the Federal Bureau of Investigation and the Internal Revenue Service-Criminal Investigation Division, both agencies of the United

States. On that date, the defendant was interviewed by the foregoing agencies regarding foreign currency and coins that the defendant had placed in a locker at the Mall of America. As of July 27, 2010, the defendant knew that federal law enforcement was seeking to recover proceeds of a fraud perpetrated by Trevor Cook and others, because he had been previously questioned by federal law enforcement agents on June 24, 2010 regarding the location of such assets and made false representations during that interview.

On July 27, 2010, after being advised of the importance of telling the truth and that failing to do so could result in criminal charges, GRECO told law enforcement that the assets recovered from the Mall of America locker belonged to him, had been given to him by a deceased uncle and had not been received from Trevor Cook or his relatives. In fact, the defendant knew this representation was false.

After subsequent investigation to confirm GRECO's statements were false and the assets were, in fact assets belonging to Trevor Cook, law enforcement was able to seize the assets for the benefit of victims. Because of the defendant's false statements on June 24, 2010, the United States did not recover approximately \$6,000.00 of the assets.

The majority of the foreign currency assets have been liquidated by the receiver for \$92,932.00. The remaining foreign

currency from Iraq, China, the Dominican Republic and Turkey are of negligible value.

3. **Waiver of Pretrial Motions.** The defendant understands and agrees that he has certain rights to file pre-trial motions in this case. As part of this plea agreement, the defendant knowingly, willingly, and voluntarily gives up the right to pursue pre-trial motions in this case.

4. **Statutory Penalties.**

The parties agree that Count 1 of the Information carries statutory penalties of:

- a. a term of imprisonment of up to five (5) years;
- b. a criminal fine of up to \$250,000.00 or twice the gross gain or twice the gross loss;
- c. a term of supervised release of up to three (3) years; and
- d. a special assessment of \$100.00, which is payable to the Clerk of Court prior to sentencing.

5. **Revocation of Supervised Release.** The defendant understands that, if he were to violate any condition of supervised release, he could be sentenced to an additional term of imprisonment up to the length of the original supervised release term, subject to the statutory maximums set forth in 18 U.S.C. § 3583.

6. Guideline Calculations. The parties acknowledge that the defendant will be sentenced in accordance with 18 U.S.C. § 3551, et seq. Nothing in this plea agreement should be construed to limit the parties from presenting any and all relevant evidence to the Court at sentencing. The parties also acknowledge that the Court will consider the United States Sentencing Guidelines in determining the appropriate sentence and stipulate to the following guideline calculations:

- a. Base Offense Level. The parties agree that the base offense level is 6. (U.S.S.G. § 2B1.1(a)(1)).
- b. Specific Offense Characteristics.

The government contends that the defendant intended a loss and that the amount of intended loss is more than \$70,000.00 but not more than \$120,000.00, resulting in an 8-level increase to the offense level. (U.S.S.G. § 2B1.1(b)(1)(F)).

The defendant contends that he intended no loss, such that there should be no increase to the base offense level. (U.S.S.G. § 2B1.1(b)(1)(A)). The parties agree that no other specific offense characteristics apply.

- c. Acceptance of Responsibility. The government agrees to recommend that the defendant receive a 2-level reduction for acceptance of responsibility (because the offense level is less than 16) and to make any appropriate motions with the Court. However, the defendant understands and agrees that this recommendation is conditioned upon the following: (i) the defendant testifies truthfully during the change of plea hearing, (ii) the defendant cooperates with the Probation Office in the pre-sentence investigation, and (iii) the defendant commits no further acts inconsistent with acceptance of responsibility. (U.S.S.G. §3E1.1). The parties agree that other than as provided for herein no other Chapter 3 adjustments apply.

- d. Criminal History Category. Based on information available at this time, the parties believe that the defendant's criminal history category is I. This does not constitute a stipulation, but a belief based on an assessment of the information currently known. Defendant's actual criminal history and related status will be determined by the Court based on the information presented in the Presentence Report and by the parties at the time of sentencing.
- e. Guideline Range. The applicable guidelines range will vary based on the amount of intended loss:
 - if the loss is calculated at more than \$70,000.00 but not more than \$120,000.00, the adjusted offense level is 12. With a criminal history category of I, the Sentencing Guidelines range is 10-16 months imprisonment in Zone C;
 - if the loss is calculated at \$0, the adjusted offense level is 4. With a criminal history category of I, the Sentencing Guidelines range is 0-6 months imprisonment in Zone A.
- f. Fine Range. The applicable fine range will vary based on the adjusted offense level: if the adjusted offense level is 12, the fine range is \$3,000.00 to \$30,000.00; if the adjusted offense level is 4, the fine range is \$250.00 to \$30,000.00. (U.S.S.G. § 5E1.2(c)(3)).
- g. Supervised Release. The Sentencing Guidelines require a term of supervised release of at least two and no more than three years. (U.S.S.G. § 5D1.2).
- h. Departures and Sentencing Recommendations. The defendant reserves the right to make a motion for departures from the applicable guideline. The defendant reserves the right to argue for a sentence outside the applicable guideline. The government reserves the same rights.

7. **Discretion of the Court.** The foregoing stipulations are binding on the parties, but do not bind the Court. The parties

understand that the Sentencing Guidelines are advisory and their application is a matter that falls solely within the Court's discretion. The Court may make its own determination regarding the applicable guideline factors and the applicable criminal history category. The Court may also depart from the applicable guidelines. If the Court determines that the applicable guideline calculations or the defendant's criminal history category is different from that stated above, the parties may not withdraw from this agreement, and the defendant will be sentenced pursuant to the Court's determinations.

8. **Special Assessments.** The Guidelines require payment of a special assessment in the amount of \$100.00 for each felony count of which the defendant is convicted. U.S.S.G. § 5E1.3. The defendant agrees to pay the special assessment prior to sentencing.

9. **Restitution.** There is no agreement concerning restitution, and the United States reserves the right to seek restitution.

10. **Complete Agreement.** This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Date:

B. TODD JONES
United States Attorney

BY: TRACY L. PERZEL
Assistant U.S. Attorney

Date:

JON JASON GRECO
Defendant

Date:

JOHN D. BAKER, ESQ.
Counsel for Defendant