

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

FILED
JAMES BONINI
CLERK

2011 MAY 27 AM 8:44

UNITED STATES OF AMERICA :

v. :

Case No: 2:11-cr-135
JUDGE FROST

EDWARD A. RIFE :

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

PLEA AGREEMENT

Plaintiff United States of America and Defendant

EDWARD A. RIFE hereby enter into the following Plea Agreement pursuant to Rule 11(c) of the Federal Rules of Criminal Procedure:

1. Defendant **EDWARD A. RIFE** will enter a plea of guilty to two counts of the Information filed herein which charge him with conspiracy to distribute and possess with intent to distribute one hundred kilograms or more of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§841(a)(1), 841(b)(1)(B)(vii) and 846 (count 1) and money laundering, in violation of 18 U.S.C. §1956(a)(1)(B)(i).

2. Defendant **EDWARD A. RIFE** understands that the potential sentence which can be imposed on the violation set forth in count 1 of the Information is a mandatory minimum term of imprisonment of five (5) years, a potential maximum term of imprisonment of forty (40) years, a \$2,000,000 fine and a minimum term of supervised release of four years with a possible maximum supervised release period of life. The defendant further

understands that the potential sentence which can be imposed on the violation set forth in count 2 of the Information is a potential maximum term of imprisonment of twenty (20) years in prison, a \$500,000 fine and a three (3) year term of supervised release.

3. Prior to or at the time the defendant is sentenced, the defendant will pay special assessments of \$200 as required in 18 U.S.C. §3013. These assessments shall be paid by the defendant before sentence is imposed and defendant will furnish a receipt at the time of sentencing. The payments shall be made to the United States District Court, at the Clerk's Office, 85 Marconi Boulevard, Columbus, Ohio 43215.

4. Defendant **EDWARD A. RIFE** agrees to testify truthfully and completely concerning all matters pertaining to the Information filed in the Southern District of Ohio and to any and all other unlawful activities related to the distribution of controlled substances and/or money laundering in which he may have been involved or as to which he may have knowledge. Defendant further agrees to provide a complete statement to authorities of the United States concerning such matters prior to the entry of his guilty plea pursuant to this agreement. Defendant agrees to submit to supplemental debriefings on such matters whenever requested by authorities of the United States, whether before or after his plea is entered.

Pursuant to §1B1.8 of the United States Sentencing Guidelines (U.S.S.G.), the government agrees that any self-incriminating information so provided will not be used against the defendant in determining the applicable guideline range for sentencing, or as a basis for departure from such guideline range.

5. If such plea of guilty is entered, and not withdrawn, and Defendant **EDWARD A. RIFE** acts in accordance with all other terms of this agreement, the United States Attorney for the Southern District of Ohio agrees not to file additional criminal charges against Defendant **EDWARD A. RIFE** based on his activities charged in the Information, or based on any other narcotics and money laundering violations in the Southern District of Ohio occurring prior to the date of the Information and as to which defendant gives testimony or makes statements pursuant to this agreement.

6. By virtue of the defendant pleading guilty to these two counts in the Information, in exchange for an agreement not to bring additional charges, Defendant **EDWARD A. RIFE** understands that he is not a prevailing party as defined by 18 U.S.C. §3006A and hereby expressly waives his right to sue the United States.

7. The parties agree that, pursuant to U.S.S.G. §§2D1.1 and 1B1.3, the relevant conduct attributable to Defendant **EDWARD A. RIFE**, which can be proved by the United States independent of his proffer, is at least 400 kilograms but not more than 700

kilograms of marijuana (an offense level 28 under the advisory sentencing guidelines). The parties further understand that this agreement is not binding on the Court and the final determination concerning the amount of marijuana to be considered as relevant conduct for purposes of sentencing rests with the Court.

8. The parties further agree that, pursuant to U.S.S.G. §§ 3B1.1 and 3B1.2, Defendant **EDWARD A. RIFE** had neither a minor role nor a supervisory in the offenses charged in the Information, which results in neither an increase nor a decrease in the defendant's base offense level. The parties further understand that this agreement is not binding on the Court and the final determination concerning role in the offense for purposes of sentencing rests with the Court.

9. The United States Attorney for the Southern District of Ohio recommends that as of the time of the execution of this Plea Agreement Defendant **EDWARD A. RIFE** has accepted responsibility for the offense to which he has agreed to plead guilty. If the defendant continues to accept responsibility through the time of sentencing, the United States will advise the District Court, pursuant to U.S.S.G. §3E1.1(b), that the defendant has timely notified authorities of his intention to plead guilty and that he is entitled to an overall three level reduction for acceptance of responsibility.

10. The Defendant, **EDWARD A. RIFE**, agrees to forfeit all right, title and interest he has in \$50,000 of the proceeds he

acquired as a result of his narcotics trafficking activities. In the event the defendant does not turn over \$50,000 to the United States by the date of sentencing, pursuant to the forfeiture allegation in the Information, the defendant understands that the United States will sell all of the jewelry and sports memorabilia, described in attachment A of the Information, and utilize the proceeds from said sale as substitute assets for said \$50,000. The defendant agrees not to contest the judicial and/or administrative forfeiture of this \$50,000 or substitute assets in lieu of said \$50,000, as set forth in the forfeiture allegation of the Information. Defendant agrees he derived \$50,000 as a result of his marijuana trafficking activities outlined in Count 1 of the Information.

11. Defendant **EDWARD A. RIFE** is aware that the United States Sentencing Guidelines and Policy Statements are no longer mandatory in determining his sentence. However, the defendant also understands that said guidelines and policy statements will be given consideration by the District Court, in conjunction with all other sentencing factors set forth in 18 U.S.C. §3553(a), to determine the appropriate sentence, pursuant to U.S. v. Booker, 543 U.S. 220 (2005). The defendant is further aware that the District Court has jurisdiction and authority to impose any sentence within the statutory maximum set forth for the offense to which the defendant pleads guilty. The defendant is aware that the Court has not yet determined a sentence. The defendant

is also aware that any estimate of the probable sentencing range under the United States Sentencing Guidelines that the defendant may have received from the defendant's counsel, the United States, or the probation office, is a prediction, not a promise, and is not binding on the United States, the probation office, or the Court. The United States makes no promise or representation concerning what sentence the defendant will receive, and the defendant cannot withdraw the guilty plea based upon the actual sentence imposed.

12. Defendant **EDWARD A. RIFE** understands that this agreement does not protect him from prosecution for perjury, should he testify untruthfully, or for making false statements, nor does it protect him, from prosecution for other crimes or offenses as to which he does not make admissions or give truthful information and which the United States discovers by independent investigation. Further, should Defendant **EDWARD A. RIFE** fail to comply with the terms and conditions set forth herein or should he fail to appear as required for sentencing, this agreement is voidable at the election of the United States, and Defendant **EDWARD A. RIFE** shall be subject to prosecution as if the agreement had never been made.

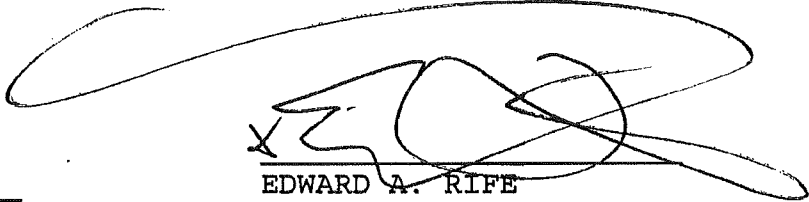
13. It is agreed that if the Court refuses to accept any provision of his Plea Agreement, with the exception of paragraphs 7, 8, and 9, neither party is bound by any of its provisions, Defendant **EDWARD A. RIFE** may withdraw his guilty plea, and the

United States Attorney for the Southern District of Ohio may pursue prosecution of the same or additional charges without prejudice. In such case, it is also agreed that any self-incriminating statements made by the defendant, pursuant to this agreement, shall be considered as part of plea negotiations and subject to the restrictions of Rule 11(f) of the Federal Rules of Criminal Procedure.

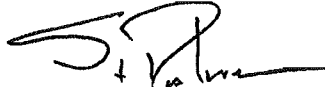
14. Finally, the United States Attorney for the Southern District of Ohio agrees that if Defendant **EDWARD A. RIFE** provides substantial assistance in the investigation or prosecution of others who have committed criminal offenses, the United States Attorney may move the Court pursuant to 18 U.S.C. §3553(e) and/or §5K1.1 of the Federal Sentencing Guidelines for an appropriate departure from the otherwise applicable guideline range for defendant's sentence and will in connection therewith make known to the Court the nature and extent of defendant's assistance. Defendant understands that whether such motion should be made lies within the discretion of the United States Attorney and that whether and to what extent such motion should be granted are solely matters for determination by the Court.

15. No additional promises, agreements or conditions have been made relative to this matter other than those expressly set forth herein, and none will be made unless in writing and signed by all parties.

12/6/10
DATE



EDWARD A. RIFE
Defendant



STEVEN PALMER
Attorney for Defendant

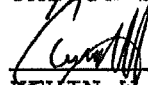
I Certify that this is a true
and correct copy of the
original filed in my office
on 5/27/2011,

JAMES BONINI, CLERK

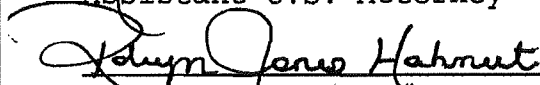
By: s/Eduardo Rivera

Date: 5/27/2011

CARTER M. STEWART
United States Attorney



KEVIN W. KELLEY (0042406)
Assistant U.S. Attorney



ROBYN J. HAHNERT (0022733)
Assistant U.S. Attorney