

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CORNELIS JAN SLOMP,
A/K/A "SUPERTRIPS"

No. 13 CR 689

Judge Matthew F. Kennelly

PLEA AGREEMENT

1. This Plea Agreement between the United States Attorney for the Northern District of Illinois, ZACHARY T. FARDON, and defendant CORNELIS JAN SLOMP, and his attorney, PAUL D. PETRUZZI, is made pursuant to Rule 11 of the Federal Rules of Criminal Procedure. The parties to this Agreement have agreed upon the following:

Charge in This Case

2. The information in this case charges defendant with conspiracy to (a) knowingly and intentionally import a controlled substance into the United States from a place outside the United States and (b) manufacture and distribute a controlled substance knowing that such substance would be unlawfully imported into the United States, all in violation of Title 21, United States Code, Section 963.

3. Defendant has read the charge against him contained in the information, and that charge has been fully explained to him by his attorney.

4. Defendant fully understands the nature and elements of the crime with which he has been charged.

Charge to Which Defendant Is Pleading Guilty

5. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to the information, which charges defendant with conspiracy to (a) knowingly and intentionally import a controlled substance into the United States from a place outside the United States and (b) manufacture and distribute a controlled substance knowing that such substance would be unlawfully imported into the United States, all in violation of Title 21, United States Code, Section 963. In addition, as further provided below, defendant agrees to the entry of a forfeiture judgment.

Factual Basis

6. Defendant will plead guilty because he is in fact guilty of the charge contained in the information. In pleading guilty, defendant admits the following facts and that those facts establish his guilt beyond a reasonable doubt, and establish a basis for forfeiture of the property described elsewhere in this Plea Agreement:

Beginning in or around March 2012 and continuing through in or about August 2013, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, defendant CORNELIS JAN SLOMP conspired with others known and unknown to:

- knowingly and intentionally import into the United States from a place outside the United States a controlled substance, namely, a quantity of MDMA, a Schedule I Controlled Substance; 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance; and a quantity of Benzodiazepine, a Schedule IV Controlled Substance, in violation of Title 21, United States Code, Section 952(a); and

- manufacture and distribute a controlled substance, namely, a quantity of MDMA, a Schedule I Controlled Substance, knowing that such substance would be unlawfully imported into the United States, in violation of Title 21, United States Code, Section 959(a)(2);

all in violation of Title 21, United States Code, Section 963.

More specifically, from in or about January 2011 to in or about October 2013, an underground website known as “Silk Road” allowed vendors and buyers to exchange goods and services online. Silk Road was dedicated to the sale of illegal drugs and other illicit, black market goods and services using the digital currency “bitcoins” and was designed to facilitate illegal commerce by ensuring anonymity among its users.

SLOMP, a citizen and resident of the Netherlands, used the username “SuperTrips” to advertise, market, and sell illegal drugs on Silk Road. SLOMP was the world’s largest drug-trafficking vendor on Silk Road by volume of business and customer base, conducting sales of illegal drugs in the millions of dollars and deriving his livelihood from drug-trafficking criminal activities. In total, for the eighteen months from March 2012 through in or about August 2013, SLOMP distributed worldwide approximately: 104 kilograms of powder 3,4-methylenedioxy-N-methylamphetamine (MDMA); 566,000 ecstasy pills containing MDMA; four kilograms of cocaine; three kilograms of Benzodiazepine; and substantial quantities of amphetamine, lysergic acid diethylamide (LSD), and marijuana, in addition to allowing for substantial quantities of methamphetamine, ketamine, and Xanax to

be distributed on his SuperTrips vendor account. SLOMP received approximately 385,000 in bitcoins as payment for his illegal drug sales, which spanned across more than 10,000 transactions.

SLOMP was the “boss” of the SuperTrips identity and controlled virtually all aspects of the identity, including the exercise of decision-making authority, recruiting accomplices, claiming a right to a larger share of the drug proceeds, planning and organizing his drug-trafficking business, and exercising control and authority over others. SLOMP supervised and directed at least Individual A and Individual B, both of whom resided in the Netherlands, worked for SLOMP, were paid by SLOMP, took instructions and directions from SLOMP, and assisted SLOMP to run his drug-trafficking business. SLOMP initially paid Individual A a commission of all ecstasy pill sales and later switched to paying Individual A a salary of \$5,000 per week, which collectively totaled not less than \$200,000 to Individual A. SLOMP paid Individual B with various items of value and access to a credit card, which Individual B used at will.

In operating his drug-trafficking business, SLOMP obtained multi-kilogram quantities of MDMA, Benzodiazepine, and other illegal drugs from at least four wholesale suppliers located in Europe, namely, Individual C, Individual D, Individual E, and Individual F, and multi-kilogram quantities of cocaine from another wholesale supplier located in Chicago, namely, Individual G. After obtaining his illegal drugs, SLOMP, assisted by others, including Individual A and Individual B, further broke down these illegal drugs into distribution and user

quantities.

Afterwards, SLOMP, assisted by others, including Individual A and Individual B, packaged and shipped both wholesale redistribution quantities and personal use quantities of MDMA, cocaine, Benzodiazepine, and other illegal drugs from Germany and the Netherlands to customers and others located in the United States, including, in large part, to fulfill wholesale redistribution and personal use customer orders SLOMP received on his Silk Road SuperTrips vendor account. Some of the illegal drugs that SLOMP imported and caused to be imported into the United States from abroad were destined for the Northern District of Illinois and others passed through the Northern District of Illinois on their way to different districts in the United States.

In addition, SLOMP was responsible for the manufacturing of illegal drugs abroad, including in the Netherlands, which SLOMP knew would be imported into the United States. Specifically, SLOMP provided Individual H and Individual I, both of whom were located in the Netherlands and both of whom agreed to assist SLOMP in manufacturing and distributing illegal drugs, with kilogram quantities of powder MDMA that Individuals H and I manufactured for SLOMP into hundreds of thousands of ecstasy pills of different colors, including red, white, green, and pink, most of which bore SLOMP's unique identifying logo, namely, a question mark. In doing so, SLOMP knew that a large percentage of these ecstasy pills would be unlawfully imported into the United States, which in fact they were.

Also, starting in or around August 2012, SLOMP entered into an

arrangement with Individual J, who was located in Florida, in which SLOMP “fronted” wholesale quantities of illegal drugs to Individual J, meaning that SLOMP provided Individual J with illegal drugs on credit with the understanding that Individual J would split in half the proceeds from Individual J’s resale of those illegal drugs to his/her own customers, including customers in the Northern District of Illinois. To carry out this arrangement, SLOMP, with the assistance of others, including Individual A and Individual B, packaged, shipped, and imported into the United States approximately one-half kilogram of fronted MDMA every week for one year, as well as a total of two additional kilograms of fronted cocaine and one kilogram of fronted Benzodiazepine, all for the benefit of Individual J. In turn, Individual J, together with Individual K, processed, packaged, shipped, and fulfilled United States-based Silk Road customer orders for illegal drugs submitted to the “UnderGroundSyndicate” and “BTCMaster” accounts.

After establishing a drug-trafficking partnership with Individual J, SLOMP and Individual J began working closely together to ensure the success of their illegal drug-trafficking activities. For example, SLOMP provided Individual J with his unique logon information and paid Individual J to access his SuperTrips account so that Individual J and Individual K, both of whom spoke better English than SLOMP, could operate as “SuperTrips Support.” In doing so, Individual J and Individual K took instructions and directions from SLOMP and provided account and customer-support services on SLOMP’s Silk Road account, including responding to customer questions and complaints. SLOMP also communicated on private Silk

Road chats with Individuals J, K, and others regarding their illegal drug-trafficking activities.

In addition, SLOMP also sent Individual J bitcoins generated from Silk Road drug transactions to convert into cash. SLOMP also agreed for Individual J to hold on to SLOMP's portion of illegal drug proceeds that Individuals J generated as SLOMP's largest United States-based wholesale re-distributor of illegal drugs until SLOMP was ready to pick up those proceeds. In or around August 2013, SLOMP traveled from the Netherlands to the United States, specifically, to Florida, to meet with Individuals J and K to spin off SLOMP's United States-based Silk Road operations, including his United States customers, to Individual J. During this same trip, SLOMP also intended to pick up his share of the illegal drug proceeds Individuals J generated as SLOMP's wholesale re-distributor in the United States of fronted illegal drugs.

At the time of his arrest, SLOMP possessed not less than \$3,030,000 in illegal drug proceeds and assets, some of the latter of which have been converted into cash, from the sale of illegal drugs on Silk Road through his SuperTrips account.

7. The foregoing facts are set forth solely to assist the Court in determining whether a factual basis exists for defendant's plea of guilty and criminal forfeiture, and are not intended to be a complete or comprehensive statement of all the facts within defendant's personal knowledge regarding the charged crime and related conduct.

Maximum Statutory Penalties

8. Defendant understands that the charge to which he is pleading guilty carries the following statutory penalties:

a. A maximum sentence of 40 years' imprisonment, and a statutory mandatory minimum sentence of five years' imprisonment. Pursuant to Title 18, United States Code, Section 3561 and Title 21, United State Code, Section 960(b)(2), defendant may not be sentenced to a term of probation for this offense. This offense also carries a maximum fine of \$5,000,000. Defendant further understands that the judge also may impose a term of supervised release of at least four years and as much as life.

b. In accord with Title 18, United States Code, Section 3013, defendant will be assessed \$100 on the charge to which he has pled guilty, in addition to any other penalty imposed.

Sentencing Guidelines Calculations

9. Defendant understands that in imposing sentence the Court will be guided by the United States Sentencing Guidelines. Defendant understands that the Sentencing Guidelines are advisory, not mandatory, but that the Court must consider the Guidelines in determining a reasonable sentence.

10. For purposes of calculating the Sentencing Guidelines, the parties agree on the following points:

a. **Applicable Guidelines.** The Sentencing Guidelines to be considered in this case are those in effect at the time of sentencing. The following

statements regarding the calculation of the Sentencing Guidelines are based on the Guidelines Manual currently in effect, namely the November 2013 Guidelines Manual.

b. Offense Level Calculations.

i. The amount of controlled substances involved in the offense of conviction for which defendant is accountable are approximately 104 kilograms of MDMA, 566,000 pills of ecstasy, four kilograms of cocaine, and three kilograms of Benzodiazepine, in addition to substantial quantities of methamphetamine, amphetamine, LSD, ketamine, Xanax, and marijuana, in addition to other illegal drugs. Accordingly, defendant is accountable for the equivalent of not less than 123,550.38 kilograms of marijuana, which, pursuant to Guideline § 2D1.1(c)(2), results in a base offense level 38, according to the following drug equivalency calculations:

- (1) Pursuant to Guideline § 2D1.1, Commentary Note 8(D), 1 gram of MDMA is equivalent to 500 grams of marijuana, meaning that 104 kilograms of MDMA for which defendant is responsible are equivalent to 52,000 kilograms of marijuana.
- (2) Pursuant to Guideline § 2D1.1, Commentary Note 9, 1 pill of MDMA, that is, ecstasy, has a typical weight of 250 milligrams, meaning that 566,000 pills of ecstasy weigh 141.50 kilograms of MDMA. Pursuant to Guideline § 2D1.1, Commentary Note 8(D), 1 gram of MDMA is equivalent to 500 grams of marijuana, meaning that 141.50 kilograms of MDMA for which defendant is responsible are equivalent to 70,750 kilograms of marijuana.

- (3) Pursuant to Guideline § 2D1.1, Commentary Note 8(D), 1 gram of cocaine is the equivalent of 200 grams of marijuana, meaning that the four kilograms of cocaine for which defendant is responsible are equivalent to 800 kilograms of marijuana.
- (4) Pursuant to Guideline § 2D1.1, Note (F) and Commentary Note 8(D), 1 unit of a Schedule IV substance such as Benzodiazepine means one pill, capsule, or tablet and is equivalent to 0.0625 grams of marijuana, and in liquid form, 1 unit of Benzodiazepine means 0.5 milliliters, which converts to 0.5 grams, meaning that three kilograms of Benzodiazepine, that is, 6,000 units, for which defendant is responsible are equivalent to 375 grams of marijuana.

ii. Pursuant to Guideline § 2D1.1(b)(7), defendant's offense level is increased by 2 levels because the defendant distributed a controlled substance through mass-marketing by means of an interactive computer service, namely, Silk Road.

iii. Pursuant to Guideline § 2D1.1(b)(14)(C) and (E), defendant's offense level is increased by 2 levels because the defendant was an organizer or leader of criminal activity in the offense of conviction as defined in § 3B1.1 and because the offense involved the following two factors, namely, the defendant was directly involved in the importation of a controlled substance and the defendant committed the offense as part of a pattern of criminal conduct engaged in as a livelihood.

iv. Pursuant to Guideline § 3B1.1(a), defendant's offense level is increased by 4 levels because defendant was an organizer and leader of

criminal activity that involved five or more participants and was otherwise extensive.

v. Defendant has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for his criminal conduct. If the government does not receive additional evidence in conflict with this provision, and if defendant continues to accept responsibility for his actions within the meaning of Guideline § 3E1.1(a), including by furnishing the United States Attorney's Office and the Probation Office with all requested financial information relevant to his ability to satisfy any fine that may be imposed in this case, a two-level reduction in the offense level is appropriate.

vi. In accord with Guideline § 3E1.1(b), defendant has timely notified the government of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently. Therefore, as provided by Guideline § 3E1.1(b), if the Court determines the offense level to be 16 or greater prior to determining that defendant is entitled to a two-level reduction for acceptance of responsibility, the government will move for an additional one-level reduction in the offense level.

c. **Criminal History Category.** With regard to determining defendant's criminal history points and criminal history category, based on the facts now known to the government, defendant's criminal history points equal zero and defendant's criminal history category is I.

d. **Anticipated Advisory Sentencing Guidelines Range.**

Therefore, based on the facts now known to the government, the anticipated offense level is 43, which, when combined with the anticipated criminal history category of I, results in an anticipated advisory sentencing guidelines range of life imprisonment, in addition to any supervised release and fine the Court may impose. Defendant also acknowledges that he is subject to a statutory minimum sentence of five years' imprisonment.

e. Defendant and his attorney and the government acknowledge that the above guidelines calculations are preliminary in nature and based on facts known to the parties as of the time of this Agreement. Defendant understands that the Probation Office will conduct its own investigation and that the Court ultimately determines the facts and law relevant to sentencing, and that the Court's determinations govern the final guidelines calculation. Accordingly, the validity of this Agreement is not contingent upon the probation officer's or the Court's concurrence with the above calculations, and defendant shall not have a right to withdraw his plea on the basis of the Court's rejection of these calculations.

f. Both parties expressly acknowledge that this Agreement is not governed by Fed. R. Crim. P. 11(c)(1)(B), and that errors in applying or interpreting any of the sentencing guidelines may be corrected by either party prior to sentencing. The parties may correct these errors either by stipulation or by a statement to the Probation Office or the Court, setting forth the disagreement regarding the applicable provisions of the guidelines. The validity of this

Agreement will not be affected by such corrections, and defendant shall not have a right to withdraw his plea, nor the government the right to vacate this Agreement, on the basis of such corrections.

Cooperation

11. Defendant agrees he will fully and truthfully cooperate in any matter in which he is called upon to cooperate by a representative of the United States Attorney's Office for the Northern District of Illinois. This cooperation shall include providing complete and truthful information in any investigation and pre-trial preparation and complete and truthful testimony in any criminal, civil, or administrative proceeding in any district in the United States, including any proceedings in the Northern District of Illinois or in any foreign proceeding if requested to do so by a representative of the United States Attorney's Office for the Northern District of Illinois. Defendant agrees to the postponement of his sentencing until after the conclusion of his cooperation.

Agreements Relating to Sentencing

12. At the time of sentencing, the government shall make known to the sentencing judge the extent of defendant's cooperation. If the government determines that defendant has continued to provide full and truthful cooperation as required by this Agreement, then the government shall move the Court, pursuant to Guideline § 5K1.1, to depart downward from the low end of the applicable guideline range, and shall recommend a sentence that includes a term of imprisonment in the custody of the Bureau of Prisons of 15 years. The government shall not make a

motion pursuant to 18 U.S.C. § 3553(e). Defendant shall be free to recommend any sentence, subject to the statutory minimum sentence of five years' imprisonment. Defendant understands that the decision to depart from the applicable guideline range rests solely with the Court.

13. If the government does not move the Court, pursuant to Guideline § 5K1.1, to depart from the applicable guideline range, as set forth above, the preceding paragraph of this Agreement will be inoperative, both parties shall be free to recommend any sentence, and the Court shall impose a sentence taking into consideration the factors set forth in 18 U.S.C. § 3553(a) as well as the Sentencing Guidelines, and the statutory minimum sentence without any downward departure for cooperation pursuant to § 5K1.1. Defendant may not withdraw his plea of guilty because the government has failed to make a motion pursuant to Guideline § 5K1.1 or 18 U.S.C. § 3553(e).

14. It is understood by the parties that the sentencing judge is neither a party to nor bound by this Agreement and may impose a sentence up to the maximum penalties as set forth above. Defendant further acknowledges that if the Court does not accept the sentencing recommendation of the parties, defendant will have no right to withdraw his guilty plea.

15. If, in its sole discretion, the government determines subsequent to defendant's sentencing in this case that defendant has provided substantial assistance, as described in Fed. R. Crim. P. 35(b)(2), which assistance has not been taken into account by the parties in fashioning the sentencing agreement in this

case, and is not taken into account by the Court in imposing sentence, then the government will move for a reduction in his sentence pursuant to Fed. R. Crim. P. 35(b)(4). Defendant understands that it is solely within the government's discretion whether to move for a reduction in his sentence, and he agrees not to challenge the government's decision if it determines in its discretion that such a motion is not appropriate. Defendant also understands that should the government seek such a reduction as outlined above, it is solely within the Court's discretion to grant or reject such a request, and to determine the extent of any reduction.

16. Defendant agrees to pay the special assessment of \$100 at the time of sentencing with a cashier's check or money order payable to the Clerk of the U.S. District Court.

Forfeiture

17. The information charges that defendant is liable to the United States for not less than \$3,030,000, which funds are subject to forfeiture because those funds constitute proceeds of the defendant's illegal drug-trafficking activities pursuant to Title 21, United States Code, Sections 853(a). By entry of a guilty plea to Count One of the information, defendant acknowledges that the funds identified above are subject to forfeiture.

18. Defendant agrees to the entry of a forfeiture judgment in the amount of \$3,030,000, in that these funds are subject to forfeiture. Prior to sentencing, defendant agrees to the entry of a preliminary order of forfeiture relinquishing any

right of ownership he has in the above-described funds and further agrees to the seizure of these funds so that these funds may be disposed of according to law. Defendant understands that forfeiture of these funds shall not be treated as satisfaction of any fine, cost of imprisonment, or any other penalty the Court may impose upon defendant in addition to the forfeiture judgment.

Acknowledgments and Waivers Regarding Plea of Guilty

Nature of Agreement

19. This Agreement is entirely voluntary and represents the entire agreement between the United States Attorney and defendant regarding defendant's criminal liability in case 13 CR 689.

20. This Agreement concerns criminal liability only. Except as expressly set forth in this Agreement, nothing herein shall constitute a limitation, waiver, or release by the United States or any of its agencies of any administrative or judicial civil claim, demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Agreement are limited to the United States Attorney's Office for the Northern District of Illinois and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Agreement.

Waiver of Rights

21. Defendant understands that by pleading guilty he surrenders certain rights, including the following:

a. **Right to be charged by indictment.** Defendant understands that he has a right to have the charge prosecuted by an indictment returned by a concurrence of twelve or more members of a grand jury consisting of not less than sixteen and not more than twenty-three members. By signing this Agreement, defendant knowingly waives his right to be prosecuted by indictment and to assert at trial or on appeal any defects or errors arising from the information, the information process, or the fact that he has been prosecuted by way of information.

b. **Trial rights.** Defendant has the right to persist in a plea of not guilty to the charge against him, and if he does, he would have the right to a public and speedy trial.

i. The trial could be either a jury trial or a trial by the judge sitting without a jury. However, in order that the trial be conducted by the judge sitting without a jury, defendant, the government, and the judge all must agree that the trial be conducted by the judge without a jury.

ii. If the trial is a jury trial, the jury would be composed of twelve citizens from the district, selected at random. Defendant and his attorney would participate in choosing the jury by requesting that the Court remove prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges.

iii. If the trial is a jury trial, the jury would be instructed that defendant is presumed innocent, that the government has the burden of proving defendant guilty beyond a reasonable doubt, and that the jury could not

convict him unless, after hearing all the evidence, it was persuaded of his guilt beyond a reasonable doubt. The jury would have to agree unanimously before it could return a verdict of guilty or not guilty.

iv. If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, whether or not the judge was persuaded that the government had established defendant's guilt beyond a reasonable doubt.

v. At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant. Defendant would be able to confront those government witnesses and his attorney would be able to cross-examine them.

vi. At a trial, defendant could present witnesses and other evidence in his own behalf. If the witnesses for defendant would not appear voluntarily, he could require their attendance through the subpoena power of the Court. A defendant is not required to present any evidence.

vii. At a trial, defendant would have a privilege against self-incrimination so that he could decline to testify, and no inference of guilt could be drawn from his refusal to testify. If defendant desired to do so, he could testify in his own behalf.

viii. With respect to forfeiture, defendant understands that if the case were tried before a jury, he would have a right to retain the jury to

determine whether the government had established the requisite nexus between defendant's offense and any specific property alleged to be subject to forfeiture.

c. **Waiver of appellate and collateral rights.** Defendant further understands he is waiving all appellate issues that might have been available if he had exercised his right to trial. Defendant is aware that Title 28, United States Code, Section 1291, and Title 18, United States Code, Section 3742, afford a defendant the right to appeal his conviction and the sentence imposed. Acknowledging this, if the government makes a motion at sentencing for a downward departure pursuant to Guideline § 5K1.1, defendant knowingly waives the right to appeal his conviction, any pre-trial rulings by the Court, and any part of the sentence (or the manner in which that sentence was determined), including any term of imprisonment and fine within the maximums provided by law, and including any order of forfeiture, in exchange for the concessions made by the United States in this Agreement. In addition, if the government makes a motion at sentencing for a downward departure pursuant to Guideline § 5K1.1, defendant also waives his right to challenge his conviction and sentence, and the manner in which the sentence was determined, and (in any case in which the term of imprisonment and fine are within the maximums provided by statute) his attorney's alleged failure or refusal to file a notice of appeal, in any collateral attack or future challenge, including but not limited to a motion brought under Title 28, United States Code, Section 2255. The waiver in this paragraph does not apply to a claim of involuntariness, or ineffective assistance of counsel, which relates directly to this

agreement or to its negotiation, nor does it prohibit defendant from seeking a reduction of sentence based directly on a change in the law that is applicable to defendant and that, prior to the filing of defendant's request for relief, has been expressly made retroactive by an Act of Congress, the Supreme Court, or the United States Sentencing Commission.

22. Defendant understands that by pleading guilty he is waiving all the rights set forth in the prior paragraphs. Defendant's attorney has explained those rights to him, and the consequences of his waiver of those rights.

Presentence Investigation Report/Post-Sentence Supervision

23. Defendant understands that the United States Attorney's Office in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing shall fully apprise the District Court and the Probation Office of the nature, scope, and extent of defendant's conduct regarding the charge against him, and related matters. The government will make known all matters in aggravation and mitigation relevant to sentencing, including the nature and extent of defendant's cooperation.

24. Defendant agrees to truthfully and completely execute a Financial Statement (with supporting documentation) prior to sentencing, to be provided to and shared among the Court, the Probation Office, and the United States Attorney's Office regarding all details of his financial circumstances, including his recent income tax returns as specified by the probation officer. Defendant understands that providing false or incomplete information, or refusing to provide this

information, may be used as a basis for denial of a reduction for acceptance of responsibility pursuant to Guideline § 3E1.1 and enhancement of his sentence for obstruction of justice under Guideline § 3C1.1, and may be prosecuted as a violation of Title 18, United States Code, Section 1001 or as a contempt of the Court.

25. For the purpose of monitoring defendant's compliance with his obligations to pay a fine during any term of supervised release to which defendant is sentenced, defendant further consents to the disclosure by the IRS to the Probation Office and the United States Attorney's Office of defendant's individual income tax returns (together with extensions, correspondence, and other tax information) filed subsequent to defendant's sentencing, to and including the final year of any period of supervised release to which defendant is sentenced. Defendant also agrees that a certified copy of this Agreement shall be sufficient evidence of defendant's request to the IRS to disclose the returns and return information, as provided for in Title 26, United States Code, Section 6103(b).

Other Terms

26. Defendant agrees to cooperate with the United States Attorney's Office in collecting any unpaid fine for which defendant is liable, including providing financial statements and supporting records as requested by the United States Attorney's Office.

27. Defendant recognizes that pleading guilty may have consequences with respect to his immigration status if he is not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offense to

which defendant is pleading guilty. Indeed, because defendant is pleading guilty to an offense that is an “aggravated felony” as that term is defined in Title 8, United States Code, Section 1101(a)(43), removal is presumptively mandatory. Removal and other immigration consequences are the subject of a separate proceeding, however, and defendant understands that no one, including his attorney or the Court, can predict to a certainty the effect of his conviction on his immigration status. Defendant nevertheless affirms that he wants to plead guilty regardless of any immigration consequences that his guilty plea may entail, even if the consequence is his automatic removal from the United States.

28. If defendant is eligible and applies to transfer his sentence pursuant to the international prisoner transfer program, the United States Attorney’s Office for the Northern District of Illinois agrees to not take a position with respect to defendant’s transfer application, so long as, prior to any transfer, the defendant is in compliance with his obligation to provide complete and truthful cooperation to the government, as required by this Agreement, and has completed any testimony required by the government in its prosecution of others. Defendant acknowledges and understands, however, that the transfer decision rests in the sole discretion of the Office of Enforcement Operations (OEO) of the Criminal Division of the United States Department of Justice and that the position of the United States Attorney’s Office for the Northern District of Illinois is neither binding nor determinative of the positions of other federal agencies or on the final transfer decision of OEO. Defendant further understands that in addition to OEO, federal law and the

underlying transfer treaties require that the foreign government must also approve the transfer.

Conclusion

29. Defendant understands that this Agreement will be filed with the Court, will become a matter of public record, and may be disclosed to any person.

30. Defendant understands that his compliance with each part of this Agreement extends throughout the period of his sentence, and failure to abide by any term of the Agreement is a violation of the Agreement. Defendant further understands that in the event he violates this Agreement, the government, at its option, may move to vacate the Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Agreement, or may move to resentence defendant or require defendant's specific performance of this Agreement. Defendant understands and agrees that in the event that the Court permits defendant to withdraw from this Agreement, or defendant breaches any of its terms and the government elects to void the Agreement and prosecute defendant, any prosecutions that are not time-barred by the applicable statute of limitations on the date of the signing of this Agreement may be commenced against defendant in accordance with this paragraph, notwithstanding the expiration of the statute of limitations between the signing of this Agreement and the commencement of such prosecutions.

31. Should the judge refuse to accept defendant's plea of guilty, this Agreement shall become null and void and neither party will be bound to it.

32. Defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this Agreement, to cause defendant to plead guilty.

33. Defendant acknowledges that he has read this Agreement and carefully reviewed each provision with his attorney. Defendant further acknowledges that he understands and voluntarily accepts each and every term and condition of this Agreement.

AGREED THIS DATE: _____

ZACHARY T. FARDON
United States Attorney

CORNELIS JAN SLOMP
Defendant

ANDREW S. BOUTROS
Assistant U.S. Attorney

PAUL D. PETRUZZI
Attorney for Defendant