



U.S. Department of Justice

United States Attorney
District of New Jersey

GSG/RAH/ZI/PL AOR
2013R00130

970 Broad Street, Suite 700
Newark, NJ 07102

973/645-2700

RECEIVED

March 21, 2014

MAY - 5 2014

AT 8:30 _____ M
WILLIAM T. WALSH CLERK

Marc Agnifilo, Esq.
Brafman & Associates, P.C.
767 Third Avenue, 26th Floor
New York, NY 10017

Re: Plea Agreement with Alex Schleider

114-247(JAP)-01

Dear Mr. Agnifilo:

This letter sets forth the plea agreement between your client, Alex Schleider, and the United States Attorney for the District of New Jersey ("this Office").

Charge

Conditioned on the understandings specified below, this Office will accept a guilty plea from Alex Schleider to a one count Information, which charges that Alex Schleider devised a scheme and artifice to defraud Victims G.C. and J.C. in relation to a commission for a purported Florida real estate investment, between in or about February 2012 and in or about May 2013, in violation of 18 U.S.C. § 1343. If Alex Schleider enters a guilty plea and is sentenced on this charge, and otherwise fully complies with all of the terms of this agreement, this Office will not initiate any further criminal charges against Alex Schleider for his participation in a scheme to defraud victims through purported investments in Florida real estate, life settlement policies, and shares of Facebook, Inc. from in or about February 2012 through in or about May 2013. However, in the event that a guilty plea in this matter is not entered for any reason or the judgment of conviction entered as a result of this guilty plea does not remain in full force and effect, defendant agrees that any dismissed charges and any other charges that are not time-barred by the applicable statute of limitations on the date this agreement is signed by Alex Schleider may be commenced against him, notwithstanding the expiration of the limitations period after Alex Schleider signs the agreement.

Sentencing

The violation of 18 U.S.C. § 1343 to which Alex Schleider agrees to plead guilty carries a statutory maximum prison sentence of 20 years, and a statutory maximum fine equal to the greatest of: (1) \$250,000; (2) twice the gross amount of any pecuniary gain that any persons derived from the offense; or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense. Fines imposed by the sentencing judge may be subject to the payment of interest.

The sentence to be imposed upon Alex Schleider is within the sole discretion of the sentencing judge, subject to the provisions of the Sentencing Reform Act, 18 U.S.C. § 3551-3742, and the sentencing judge's consideration of the United States Sentencing Guidelines. The United States Sentencing Guidelines are advisory, not mandatory. The sentencing judge may impose any reasonable sentence up to and including the statutory maximum term of imprisonment and the maximum statutory fine. This Office cannot and does not make any representation or promise as to what guideline range may be found by the sentencing judge, or as to what sentence Alex Schleider ultimately will receive.

Further, in addition to imposing any other penalty on Alex Schleider, the sentencing judge: (1) will order Alex Schleider to pay an assessment of \$100 pursuant to 18 U.S.C. § 3013, which assessment must be paid by the date of sentencing; (2) must order Alex Schleider to pay restitution pursuant to 18 U.S.C. §§ 3663 *et seq.*; (3) may order Alex Schleider, pursuant to 18 U.S.C. § 3555, to give notice to any victims of his offense; and (4) pursuant to 18 U.S.C. § 3583, may require Alex Schleider to serve a term of supervised release of not more than 3 years, which will begin at the expiration of any term of imprisonment imposed. Should Alex Schleider be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, Alex Schleider may be sentenced to not more than 2 years' imprisonment in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

In addition, Alex Schleider agrees to make restitution for all losses resulting from the offense of conviction and from the scheme, pattern of criminal activity underlying that offense, to any victims identified by this Office, in the amount of \$113,200 and an additional amount of \$500,000, for a total amount of \$613,200.

Rights of This Office Regarding Sentencing

Except as otherwise provided in this agreement, this Office reserves its right to take any position with respect to the appropriate sentence to be imposed on Alex Schleider by the sentencing judge, to correct any misstatements relating to the sentencing proceedings, and to provide the sentencing judge and the United States Probation Office all law and information

relevant to sentencing, favorable or otherwise. In addition, this Office may inform the sentencing judge and the United States Probation Office of: (1) this agreement; and (2) the full nature and extent of Alex Schleider's activities and relevant conduct with respect to this case.

Stipulations

This Office and Alex Schleider agree to stipulate at sentencing to the statements set forth in the attached Schedule A, which hereby is made a part of this plea agreement. This agreement to stipulate, however, cannot and does not bind the sentencing judge, who may make independent factual findings and may reject any or all of the stipulations entered into by the parties. To the extent that the parties do not stipulate to a particular fact or legal conclusion, each reserves the right to argue the existence of and the effect of any such fact or conclusion upon the sentence. Moreover, this agreement to stipulate on the part of this Office is based on the information and evidence that this Office possesses as of the date of this agreement. Thus, if this Office obtains or receives additional evidence or information prior to sentencing that it determines to be credible and to be materially in conflict with any stipulation in the attached Schedule A, this Office shall not be bound by any such stipulation. A determination that any stipulation is not binding shall not release either this Office or Alex Schleider from any other portion of this agreement, including any other stipulation. If the sentencing court rejects a stipulation, both parties reserve the right to argue on appeal or at post-sentencing proceedings that the sentencing court was within its discretion and authority to do so. These stipulations do not restrict this Office's right to respond to questions from the Court and to correct misinformation that has been provided to the Court.

Waiver of Appeal and Post-Sentencing Rights

As set forth in Schedule A, this Office and Alex Schleider waive certain rights to file an appeal, collateral attack, writ, or motion after sentencing, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255.

Forfeiture

In addition to the \$113,200 that Alex Schleider agrees to pay in restitution, reflecting the intended loss amount, Alex Schleider voluntarily agrees to pay an additional \$500,000 in restitution (the "Additional Restitution Amount") to the victims of his offense on or before the date of sentencing, as part of his acceptance of responsibility, for a total restitution amount of \$613,200.

Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, Alex Schleider further agrees that if he has not paid the full Additional Restitution Amount prior to the date of sentencing, he will consent to the entry of a forfeiture money judgment in the amount of the unpaid portion of the Additional Restitution Amount in United States currency (the "Forfeiture Money Judgment"). Defendant acknowledges that, if the Forfeiture Money Judgment is entered,

the unpaid portion of the Additional Restitution Amount is subject to forfeiture as property, real or personal, that constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1343, which constitutes a specified unlawful activity within the meaning of 18 U.S.C. § 981(a)(1)(C), or a conspiracy to commit such offense.

Payment of the Forfeiture Money Judgment shall be made by certified or bank check, with the criminal docket number noted on the face of the check, payable to the United States Marshals Service.

If the Forfeiture Money Judgment is not paid prior to the date of the defendant's sentencing, interest shall accrue on any unpaid portion thereof at the judgment rate of interest from that date. Furthermore, if Alex Schleider fails to pay any portion of the Forfeiture Money Judgment prior to the date of his sentencing, Alex Schleider consents to the forfeiture of any other property alleged to be subject to forfeiture in the Information, including substitute assets, in full or partial satisfaction of the money judgment, and remains responsible for the payment of any deficiency until the Forfeiture Money Judgment is paid in full.

Alex Schleider agrees to consent to the entry of orders of forfeiture for the Forfeiture Money Judgment and waives the requirements of Rules 32.2 and 43(a) of the Federal Rules of Criminal Procedure regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. Alex Schleider understands that the forfeiture of Forfeiture Money Judgment is part of the sentence that may be imposed in this case and waives any failure by the court to advise him of this pursuant to Rule 11(b)(1)(J) of the Federal Rules of Criminal Procedure at the guilty plea proceeding.

Alex Schleider hereby waives any and all claims that the restitution or forfeiture set forth above constitute an excessive fine and agrees that this forfeiture does not violate the Eighth Amendment.

Immigration Consequences

The defendant understands that, if he is not a citizen of the United States, his guilty plea to the charged offense will likely result in him being subject to immigration proceedings and removed from the United States by making him deportable, excludable, or inadmissible, or ending his naturalization. The defendant understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. The defendant wants and agrees to plead guilty to the charged offense regardless of any immigration consequences of this plea, even if this plea will cause his removal from the United States. The defendant understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, the defendant waives any and all challenges to his guilty plea and to his sentence based on any immigration consequences, and agrees not to seek to withdraw his guilty plea, or to file a direct appeal or any kind of collateral attack challenging his guilty plea, conviction, or sentence, based on any immigration consequences of his guilty plea.

Other Provisions

This agreement is limited to the United States Attorney's Office for the District of New Jersey and cannot bind other federal, state, or local authorities. However, this Office will bring this agreement to the attention of other prosecuting offices, if requested to do so.


This agreement was reached without regard to any civil or administrative matters that may be pending or commenced in the future against Alex Schleider. This agreement does not prohibit the United States, any agency thereof (including the Internal Revenue Service and Immigration and Customs Enforcement), or any third party from initiating or prosecuting any civil or administrative proceeding against Alex Schleider.

No Other Promises

This agreement constitutes the plea agreement between Alex Schleider and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

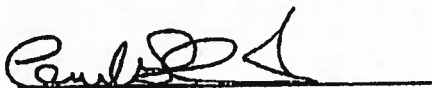
Very truly yours,

PAUL J. FISHMAN
United States Attorney



By: Gurbir S. Grewal
Rachael A. Honig
Zach Intrater
Assistant U.S. Attorneys


APPROVED:



Gurbir S. Grewal
Deputy Chief, Economic Crimes Unit


I have received this letter from my attorney, Marc Agnifilo, Esq. I have read it. My attorney and I have discussed it and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver, forfeiture, and immigration consequences. I understand this letter fully. I hereby accept its terms and conditions and acknowledge that it constitutes the plea agreement between the parties. I understand that no additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties. I want to plead guilty pursuant to this plea agreement.

AGREED AND ACCEPTED:


Alex Schleider

Date: 3-31-14

I have discussed with my client this plea agreement and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver, forfeiture, and immigration consequences. My client understands this plea agreement fully and wants to plead guilty pursuant to it.


Marc Agnifilo, Esq.

Date: 4/1/14

Plea Agreement With Alex Schleider

Schedule A

1. This Office and Alex Schleider agree to stipulate to the following facts:

a. Between in or about February 2012 and in or about May 2013, Alex Schleider knowingly and intentionally made material misrepresentations to Victims G.C. and J.C. with respect to a purported real estate investment in Florida.

b. Alex Schleider made the misrepresentations to Victims G.C. and J.C. because he believed that he would earn a 4% commission if the real estate transaction closed.

c. Based in part upon Alex Schleider's misrepresentations, among other misrepresentations by other individuals, Victims G.C. and J.C. invested approximately \$2,830,000 for this purported real estate investment.

d. Based on the misrepresentations made by Alex Schleider and others, Victims G.C. and J.C. sent or caused to be sent wire communications in interstate or foreign commerce.

e. Without Schleider's knowledge, Eliyahu Weinstein and others conspired to defraud Victims G.C. and J.C. out of their \$2,830,000 investment. As a result of the actions of Weinstein and others, Victims G.C. and J.C. lost their entire \$2,830,000 investment.

f. As of the date of this letter, Alex Schleider has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for the offense charged.

g. As of the date of this letter, Alex Schleider 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 government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently.

2. Alex Schleider knows that he has and voluntarily waives the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255. The provisions of this paragraph are binding on the parties even if the Court employs a Guidelines analysis different from that stipulated to herein. Furthermore, if the sentencing court accepts a stipulation, both parties waive the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing court erred in doing so.