



U.S. Department of Justice

U. S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

Eastern District of Louisiana  
U. S. Attorney's Office

FILED 10-31-08  
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October 31, 2008

Honorable Eldon E. Fallon  
United States District Judge  
Eastern District of Louisiana  
500 Poydras Street, C 7545  
New Orleans, Louisiana 70130

Re: U. S. v. James G. Perdigao, a/k/a Jamie Perdigao  
Criminal Docket No. 07-103 "L"(5)

Dear Judge Fallon:

In compliance with the holding of Bryan v. United States, 492 F.2d 775 (5<sup>th</sup> Cir. 1974) and with Rule 11 of the Federal Rules of Criminal Procedure, the Government wishes to acknowledge the following agreement between the Government and James G. Perdigao, the defendant, in the above-captioned proceeding. Defendant's undersigned counsel, Charles F. Griffin and William F. Wessel, have reviewed the terms of this agreement and have been advised by the defendant that the defendant fully understands the terms of this agreement.

The Government has agreed that should the Court accept the defendant's plea of guilty to Counts 1, 13, 31-40, 41-50, 51-55, 56, and 60-61 of the Second Superseding Indictment charging the defendant with violations of Bank Fraud (18 USC 1344); Mail Fraud (18 USC 1341); Interstate Transportation of Stolen Funds (18 USC 2314); Money Laundering (18 USC 1957); Income Tax Evasion (26 USC 7201); Filing False Tax Returns (26 USC 7206(1)); Obstruction of Justice (18 USC 1503(a)); and Unlawful Computer Intrusion (18 USC 1030(a)(2)(c) and (c)(2)(B)(ii)), the Government will not pursue any additional charges in the Eastern District of Louisiana against the defendant arising out of the investigation of the defendant's fraudulent activity arising from his employment with his law firm from 2000 to 2004 and the defendant's personal tax filings from 2000 to 2004, and his unauthorized access to the computer network of Adams & Reese from 2004 to October 15, 2008.

Fee \_\_\_\_\_  
Process \_\_\_\_\_  
X Dkt'd \_\_\_\_\_  
CtRmDep \_\_\_\_\_  
Doc. No. \_\_\_\_\_

The defendant further understands that the maximum penalties defendant may receive should his plea of guilty be accepted to the following Counts:

Count 1 (Bank Fraud) - 18 USC 1344 - is not more than thirty (30) years imprisonment and/or a fine up to \$1,000,000, or the greater of twice the gross gain to the defendant or twice the gross loss to any person under Title 18, United States Code, Section 3571;

Count 13 and 56 (Mail Fraud)- 18 USC 1341 - is not more than twenty (20) years imprisonment and/or a fine up to \$250,000, or the greater of twice the gross gain to the defendant or twice the gross loss to any person under Title 18, United States Code, Section 3571;

Counts 31-40 (Interstate Transportation of Stolen Property) - 18 USC 2314 - is not more than ten (10) years imprisonment and/or a fine up to \$250,000 for each count, or the greater of twice the gross gain to the defendant or twice the gross loss to any person under Title 18, United States Code, Section 3571;

Counts 41-50 (Money Laundering) - 18 USC 1957 - is not more than ten (10) years imprisonment and/or a fine up to 250,000 for each count, or the greater of twice the gross gain to the defendant or twice the gross loss to any person under Title 18, United States Code, Section 3571;

Counts 51-54 (Income Tax Evasion) - 26 USC 7201 - is not more than five (5) years imprisonment and/or a fine up to \$250,000 for each count, along with the cost of prosecution;

Count 55 (Filing False Tax Return) - 26 USC 7206(1) - is not more than three (3) years imprisonment and/or a fine up to 250,000 for each count, or the greater of twice the gross gain to the defendant or twice the gross loss to any person under Title 18, United States Code, Section 3571;

Count 60 (Obstruction of Justice) - 18 USC 1503(a) - is not more than ten (10) years and/or a fine up to 250,000, or the greater of twice the gross gain to the defendant or twice the gross loss to any person under Title 18, United States Code, Section 3571;

Count 61 (Unlawful Computer Intrusion) - 18 USC 1030(a)(2)(c) and (c)(2)(B)(ii) - is not more than five (5) years and/or a fine up to \$250,000, or the greater of twice the gross gain to the defendant or twice the gross loss to any person under Title 18, United States Code, Section 3571.

It is also understood that the restitution provisions of Sections 3663 and 3663A of Title 18, United States Code will apply and the defendant agrees that any restitution imposed will be non-dischargeable in any bankruptcy proceeding and that defendant will not seek or cause to be sought a discharge or a finding of dischargeability as to the restitution obligation.

Further, the defendant understands that a mandatory special assessment fee of \$100.00 for each count shall be imposed under the provisions of Section 3013 of Title 18, United States Code. This special assessment must be paid on the date of sentencing. Failure to pay this special assessment may result in the plea agreement being void.

The defendant further understands that the Court, in imposing a sentence of a term of imprisonment, shall include as part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment for a period of not more than five (5) years for 18 USC 1341 (Mail Fraud) and 18 USC 1344 (Bank Fraud); not more than three (3) years for 18 USC 2314 (Interstate Transportation of Stolen Funds); not more than 3 years for 26 USC 7201 (Tax Evasion); not more than three (3) years for 18 USC 1957 (Money Laundering); not more than three (3) years for 18 USC 1503(a) (Obstruction of Justice); not more than three (3) years for 18 USC 1030(a)(2)(c) and (c)(2)(B)(ii) (Unlawful Computer Intrusion); and not more than one (1) for 26 USC 7206(1) (Filing False Tax Returns), pursuant to Title 18, United States Code, Section 3583. Supervised release is a period following release from prison during which defendant's conduct will be monitored by the Court or the Court's designee. Defendant fully understands that if defendant violates any of the conditions of supervised release that the Court has imposed, defendant's supervised release may be revoked and defendant may be ordered by the Court to serve in prison all or part of the term of supervised release.

Except as otherwise provided in this paragraph, the defendant hereby expressly waives his rights to appeal from his conviction and/or his sentence, including but not limited to any appeal rights conferred by Title 28, United States Code, Sections 1291, and by Title 18, United States Code, Section 3742. The defendant further waives his right to contest his conviction and/or his sentence in any collateral proceeding, including proceedings brought under Title 28, United States Code, Section 2241 and Title 28, United States Code, Section 2255, on any ground, including ineffective assistance of counsel. Defendant James G. Perdigao agrees and acknowledges that he is completely satisfied with his legal representation in this matter. Further, defendant Perdigao agrees that any post conviction relief motion (2255) brought by defendant at a later date shall be subject to dismissal as a result of this knowing waiver. Subject to the foregoing, the defendant reserves the right to bring a direct appeal of any sentence imposed in excess of the statutory maximum.

The defendant further waives any right to seek attorney's fees and/or other litigation expenses under the "Hyde Amendment", Title 18, United States Code, Section 3006A and the defendant acknowledges that the Government's position in the instant prosecution was not vexatious, frivolous or in bad faith.

The defendant understands that he may have the right to request DNA testing of physical evidence in the government's possession and applicable to this case pursuant to Title 18, United States Code, Sections 3600 and 3600A. Pursuant to this agreement, the defendant knowingly and voluntarily waives and relinquishes any such right and fully understands that, as a result of this waiver, the defendant will not have another opportunity to have the physical evidence in this case submitted for DNA testing or to employ the results of DNA testing to support any claim of innocence

regarding the offense(s) to which the defendant is pleading guilty. In addition, the defendant also understands that the government may dispose of such evidence upon the defendant's entering a plea of guilty.

The defendant understands that any discussions with defendant's attorney or anyone else regarding sentencing guidelines are merely rough estimates and the Court is not bound by those discussions. The defendant understands that the sentencing guidelines are advisory and are not mandatory for sentencing purposes. The defendant understands the Court could impose the maximum term of imprisonment and fine allowed by law, including the imposition of supervised release. The defendant acknowledges, understands and agrees that all charged criminal activity and notice(s) of forfeiture contained in both the original indictment and Superseding Indictment may be considered as "relevant conduct" pursuant to U.S.S.G. 1B1.3(a)(2) in calculating the Offense Level for the charges to which his is pleading guilty and a basis for his forfeiture of assets.

The government believes that the defendant cannot give useful and truthful cooperation in this matter, therefore, the government will decide if it is necessary that the defendant agree to submit to interviews whenever and wherever requested by law enforcement authorities. If called, the defendant understands he must be completely truthful. If called, the defendant also agrees to appear before any Grand Jury or trial jury and to testify truthfully. The defendant understands if he is not truthful, this agreement will be null and void and defendant may be prosecuted for perjury or making false statements. The defendant agrees neither to implicate anyone falsely nor to exculpate or protect anyone falsely. The defendant further agrees to immediately advise the Government as to any person defendant believes to be violating the law and defendant agrees to assist the Government with regard to the investigation and prosecution of criminal conduct.

Although the Government does not anticipate any cooperation on behalf of the defendant, if it is necessary, the Government agrees to bring to the attention of the Court any cooperation rendered by the defendant prior to sentencing. The United States may, but shall not be required to make a motion or provide a letter to the Court requesting the Court to impose a sentence below the sentence contemplated by the sentencing guidelines or to request the Court to impose any sentence within the statutory maximum term of imprisonment and fine allowed by law. It shall be in the sole discretion of the United States Attorney as to whether a motion requesting the Court to impose a sentence below the sentence contemplated by the sentencing guidelines should be filed or to impose any sentence within the statutory maximum term of imprisonment and fine allowed by law. All parties understand that any statements or testimony given by the defendant can be used as leads or for any other reason against other persons. Further, the defendant fully understands that should he commit perjury or give false statements to federal agents, the statements and testimony can be used to prove those offenses, and he faces additional criminal charges.

The defendant agrees to forfeit and give to the United States on or before the date of sentencing, after the plea agreement has been accepted by the Court, all right, title and interest which defendant has in \$29,635,909.48 U.S. Currency plus any and all accrued interest on all the seized currency currently in the possession of the United States, which includes the following:

- a. Two cashier's checks totaling \$1,195,000 seized from defendant on October 15, 2004, plus any and all accrued interest;
- b. \$25,052.27 U.S. Currency seized from defendant on October 15, 2004, plus any and all accrued interest;
- c. \$9,099,610.59 U.S. Currency plus any and all accrued interest; and
- d. \$19,316,246.62 U.S. Currency from defendant's Credit Suisse account plus any and all accrued interest.

The defendant further agrees that the United States shall make the final decision regarding the distribution of the forfeited funds.

The defendant further agrees to waive all interest in any such asset in any administrative or judicial forfeiture proceeding, whether criminal or civil, state or federal. The defendant agrees to consent to the entry of orders of forfeiture for such properties and waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. Defendant acknowledges that he understands that the forfeiture of assets 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), at the time his guilty plea is accepted. Defendant further agrees and consents to the forfeiture of all items belonging to victims in this case to include, but not limited to, computers and files.

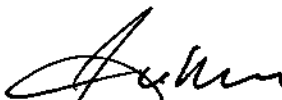
The defendant further agrees to waive all constitutional and statutory challenges in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this plea agreement on any grounds, including but not limited to, that the forfeiture constitutes an excessive fine or punishment. The defendant agrees to take all steps as requested by the United States to pass clear title to forfeitable assets to the United States, and to testify truthfully in any judicial forfeiture proceeding. Defendant acknowledges that all properties covered by this agreement are subject to forfeiture as proceeds of or involved in his illegal conduct for which he has pled guilty.

The defendant further agrees to submit to interview whenever and wherever requested by law enforcement authorities regarding all assets within his possession or those assets transferred or sold to or deposited with any third party as outlined within the preceding paragraph. It is also understood that defendant will fully cooperate in providing any and all financial information and documentation, and agrees to voluntarily execute a complete and thorough Financial Statement, Form OBD-500. The defendant understands this information may be provided to a representative of any victim of this offense.

The defendant understands that the statements set forth above represent defendant's entire agreement with the Government; there are not any other agreements, letters, or notations that will affect this agreement.

Very truly yours,

JIM LETTEN  
UNITED STATES ATTORNEY



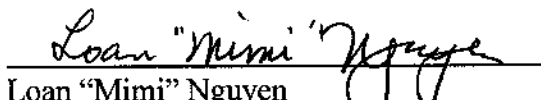
James R. Mann  
Assistant United States Attorney



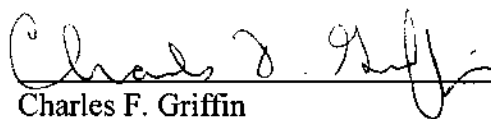
Salvadore Perricone  
Assistant United States Attorney



Brian M. Klebba  
Assistant United States Attorney



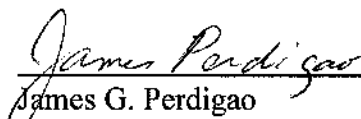
Loan "Mimi" Nguyen  
Assistant United States Attorney

 10/31/08  
Charles F. Griffin (Date)

Attorney for the Defendant

\_\_\_\_\_  
William F. Wessel (Date)

Attorney for the Defendant

 10/31/08  
James G. Perdigao (Date)

Defendant