



U.S. Department of Justice

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District of New Jersey
Criminal Division

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SBM/JMM/PL AGR
2011R00640

December 11, 2014

Mark W. Rufolo, Esq.
Stern & Kilcullen, LLC
325 Columbia Turnpike
Florham Park, NJ 07932

Re: Plea Agreement with Derish Wolff
Criminal No. 11-719 (AET)

Dear Mr. Rufolo:

This letter sets forth the plea agreement between your client, Derish Wolff, and the United States Attorney for the District of New Jersey ("this Office"). This offer is contingent upon the defendant entering his plea of guilty on **December 12, 2014**.

Charges

Conditioned on the understandings specified below, this Office will accept a guilty plea from Derish Wolff to a one-count Superseding Information, which charges conspiracy to defraud the government with respect to claims in violation of 18 U.S.C. § 286. If Derish Wolff 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 Derish Wolff for conspiring to defraud the U.S. Agency for International Development ("USAID") by obtaining payment on fraudulent contractual claims, from 1990 through 2009, as set forth in more detail in the Indictment, Criminal No. 11-719 (AET). In addition, if Derish Wolff fully complies with all of the terms of this agreement, at the time of sentencing in this matter, this Office will move to dismiss all counts of the Indictment, that is, Counts One through Six, against Derish Wolff. 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, Derish Wolff 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 Derish Wolff may be commenced against him, notwithstanding the expiration of the limitations period after Derish Wolff signs the agreement. With respect to the charges set forth in the Superseding Information, the defendant also agrees to waive any defenses under the applicable statute of limitations. Should the Court at any time reject the plea under Federal Rule of Criminal Procedure 11(c)(1)(C) or act contrary to its terms, either party may elect to be relieved of the terms of this plea, and the parties will be returned to the status prior to the entry of the plea.

Sentencing

The violation of 18 U.S.C. § 286 to which Derish Wolff agrees to plead guilty carries a statutory maximum prison sentence of ten 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.

This Office and Derish Wolff agree that, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the sentence to be imposed on Derish Wolff should be as follows: (1) 12 months' home detention pursuant to 18 U.S.C. § 3563(b)(19) and U.S.S.G. § 5F1.2 (Home Detention); (2) a fine of \$4.5 million on the basis of gain to any person pursuant to 18 U.S.C. § 3571(d); (3) restitution of \$0 in relation to the offense of conviction in the Superseding Information; and (4) a special assessment of \$100. Pursuant to Rule 11(c)(1)(C), this Office and Derish Wolff agree that no other sentence or fine is appropriate, besides those set forth in this paragraph. If the Court accepts this plea agreement, Derish Wolff must be sentenced accordingly.

The sentence to be imposed upon Derish Wolff is subject to the terms of the stipulated sentence under Federal Rule of Criminal Procedure 11(c)(1)(C); 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. This Office cannot and does not make any representation or promise as to what Guidelines range may be found by the sentencing judge.

Rights of This Office Regarding Sentencing

This Office reserves its right 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 Derish Wolff's activities and relevant conduct with respect to this case.

Stipulations

This Office and Derish Wolff 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. 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 any such fact or conclusion. Each party reserves the right to present facts and make arguments regarding the appropriate Guidelines range under the United States Sentencing Guidelines, except as otherwise foreclosed by this agreement.

Waiver of Appeal and Post-Sentencing Rights

As set forth in Schedule A, this Office and Derish Wolff 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.

Immigration Consequences

Derish Wolff understands that, if he is not a citizen of the United States, his guilty plea to the charged offense will likely result in his being subject to immigration proceedings and removed from the United States by making him deportable, excludable, or inadmissible, or ending his naturalization. Derish Wolff understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. Derish Wolff 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. Derish Wolff understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, Derish Wolff 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, and does not resolve, any civil or administrative matters that may be pending or commenced in the future against Derish Wolff. This agreement does not prohibit the United States, any agency thereof (including the Internal Revenue Service), or any third party from initiating or prosecuting any civil or administrative proceeding against Derish Wolff.

No Other Promises

This agreement constitutes the plea agreement between Derish Wolff 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:

Scott B. McBride
Joyce M. Malliet
Assistant U.S. Attorneys

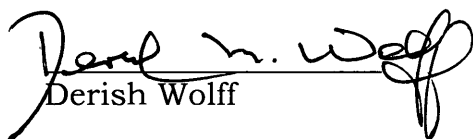
APPROVED:



Thomas J. Eicher
Chief, Criminal Division

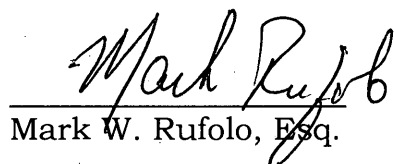
I have received this letter from my attorney, Mark W. Rufolo, Esq. I have read it. My attorney and I have discussed it and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver, and immigration consequences. I understand this letter fully. I hereby accept its 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:


Derish Wolff

Date: 12/12/14

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


Mark W. Rufolo, Esq.

Date: 12/12/14

Plea Agreement With Derish Wolff

Schedule A

1. This Office and Derish Wolff agree that, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the sentence to be imposed on Derish Wolff must be as follows: (1) 12 months' home detention pursuant to 18 U.S.C. § 3563(b)(19) and U.S.S.G. § 5F1.2 (Home Detention); (2) a fine of \$4.5 million on the basis of gain to any person pursuant to 18 U.S.C. § 3571(d); (3) restitution of \$0 in relation to the offense of conviction in the Superseding Information; and (4) a special assessment of \$100 (the "Stipulated Sentence").

2. The parties agree that the Stipulated Sentence is reasonable, taking into account all of the factors under 18 U.S.C. § 3553(a), and neither party will argue for a sentence above or below the Stipulated Sentence.

3. Derish Wolff knows that he has and, except as noted below in this paragraph, 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, which challenges his conviction. Neither Derish Wolff nor this Office will file any appeal, motion, or writ that challenges the sentence imposed by the sentencing court if that sentence is consistent with the terms of the Stipulated Sentence. No provision of this agreement shall preclude the defendant from pursuing in an appropriate forum, when permitted by law, an appeal, collateral attack, writ, or motion claiming that the defendant received constitutionally ineffective assistance of counsel.

4. Both parties reserve the right to oppose or move to dismiss any appeal, collateral attack, writ, or motion barred by the preceding paragraph and to file or to oppose any appeal, collateral attack, writ or motion not barred by the preceding paragraph.