



**U.S. Department of Justice**

**Andrew E. Lelling**  
*United States Attorney*  
*District of*  
*Massachusetts*

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May \_\_, 2020

Re: United States v. Elizabeth Gurrieri Criminal No. 17-cr-10083-ADB

**ADDENDUM TO PLEA AGREEMENT DATED MARCH 27, 2017 (Doc. 32)**  
**AND COOPERATION AGREEMENT DATED MARCH 27, 2017 (Doc. 36)**

Dear Counsel:

This Addendum serves to modify and supersede sections of the Plea Agreement dated March 27, 2017 (filed at Doc. 32) in the instant case (hereinafter, the "Plea Agreement") and the Cooperation Agreement (filed at Doc. 36) (hereinafter, the "Cooperation Agreement"). Pursuant to Section 13 of the Plea Agreement and Section 6 of the Cooperation Agreement, this letter, once executed by all parties, shall serve to modify and supplement those agreements. The executed Addendum shall be filed on the docket.

The Plea Agreement prohibited Elizabeth Gurrieri (the "Defendant") from arguing in support of a sentence of less than 18 months incarceration. The Cooperation Agreement prohibited either party from recommending a sentence of less than 18 months incarceration.

However, in light of the sentences imposed upon other, more culpable defendants, including cooperators, fundamental fairness requires the Defendant be granted an opportunity to argue in support of any sentence she believes appropriate and consistent with the United States Sentencing Guidelines and the sentencing factors set forth in Title 18, United States Code, Section 3553(a), including the need to avoid unwarranted sentencing disparity. As such, the parties agree that the Plea Agreement and Cooperation Agreement are modified.

THEREFORE, the United States Attorney for the District of Massachusetts ("the U.S. Attorney") and your client, Elizabeth Gurrieri, now agree to modify the Plea Agreement as follows:

- a. Section 3, Sentencing Guidelines, of the Plea Agreement is hereby modified as follows:

**Changes to Plea Agreement:**

- The ~~parties agree~~ government recommends with respect to the application of the United States Sentencing Guidelines that: [...]
- ~~Although~~ Defendant reserves the right to argue for a sentence outside the Guidelines under the factors set forth in 18 U.S.C. §3553(a), ~~under no circumstances will the Defendant recommend a sentence of less than 18 months, as described in Paragraph 4 below.~~

**Revised language in that section of the Plea Agreement:**

- The government recommends with respect to the application of the United States Sentencing Guidelines that: [...]
- Defendant reserves the right to argue for a sentence outside the Guidelines under the factors set forth in 18 U.S.C. §3553(a).

- b. Section 4, Sentence Recommendation, of the Plea Agreement is modified as follows:

**Changes to Plea Agreement:**

~~Although~~ Defendant reserves the right to argue for a sentence outside the Guidelines under the factors set forth in 18 U.S.C. §3553(a), ~~the Defendant will not recommend a sentence of less than 18 months, consistent with USSG § 5C1.1(d).~~

**Revised language in that section of the Plea Agreement:**

Defendant reserves the right to argue for a sentence outside the Guidelines under the factors set forth in 18 U.S.C. §3553(a).

- c. Section 5, Waiver of Rights to Appeal and to Bring Future Challenge, of the Plea Agreement is modified as follows:

**Changes to Plea Agreement:**

- ~~(d) The U.S. Attorney likewise agrees that, regardless of the analysis employed by the Court, the U.S. Attorney will not appeal any imprisonment sentence of 18 months, consistent with the recommendation of Defendant as set forth in ¶ 4, or more.~~

**Revision to that section of the Plea Agreement:**

Subsection (d) is removed.

AND THEREFORE, the U.S. Attorney and your client, Elizabeth Gurrieri, now agree to modify the Cooperation Agreement as follows:

- a. Section 2, Substantial Assistance Motion, of the Cooperation Agreement is modified as follows:

**Changes to Cooperation Agreement:**

Should Defendant provide substantial assistance in the investigation or prosecution of another person who has committed a criminal offense, the U.S. Attorney agrees that, at or before sentencing the U.S. Attorney will file a motion under USSG § 5K1.1 to recommend that the Court impose a sentence below 46 months; ~~however, pursuant to the agreement set forth in Paragraph 4 of the Plea Agreement, neither party will recommend a sentence of less than 18 months.~~

**Revised language in that section of the Cooperation Agreement:**

Should Defendant provide substantial assistance in the investigation or prosecution of another person who has committed a criminal offense, the U.S. Attorney agrees that, at or before sentencing the U.S. Attorney will file a motion under USSG § 5K1.1 to recommend that the Court impose a sentence below 46 months.

If this letter accurately reflects the agreement to modify the Plea and Cooperation Agreements between the U.S. Attorney and Defendant, please have Defendant sign the Acknowledgment below. Please also sign below as Witness. Return the original of this letter to Assistant U.S. Attorneys K. Nathaniel Yeager or David G. Lazarus.

Very truly yours,

ANDREW E. LELLING  
United States Attorney

By: AMANDA STRACHAN Digitally signed by AMANDA STRACHAN  
Date: 2020.05.21 15:39:16 -04'00'

Amanda P.M. Strachan  
Chief, Health Care Fraud Unit

DAVID LAZARUS Digitally signed by DAVID LAZARUS  
Date: 2020.05.21 15:43:04 -04'00'

David G. Lazarus  
K. Nathaniel Yeager  
Assistant U.S. Attorneys

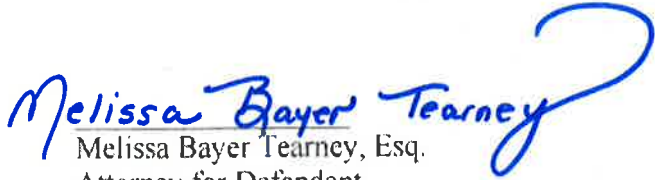
ACKNOWLEDGMENT OF ADDENDUM TO PLEA AGREEMENT

I have read this letter in its entirety and discussed it with my attorney. I hereby acknowledge that (a) it accurately sets forth my plea agreement with the United States Attorney's Office for the District of Massachusetts; (b) there are no unwritten agreements between me and the United States Attorney's Office; and (c) no official of the United States has made any unwritten promises or representations to me, in connection with my change of plea except for the original plea agreement, the cooperation agreement and this document. In addition, I have received no prior offers to resolve this case. I understand the crime to which I have agreed to plead guilty, the maximum penalties for that offense and the Sentencing Guideline penalties potentially applicable to them. I am satisfied with the legal representation provided to me by my attorney. We have had sufficient time to meet and discuss my case. We have discussed the charge against me, possible defenses I might have, the terms of this Plea Agreement and whether I should go to trial. I am entering into this Plea Agreement freely, voluntarily, and knowingly because I am guilty of the offense to which I am pleading guilty, and I believe this Plea Agreement is in my best interest.

  
Elizabeth Gurrieri  
Defendant

Date: 5/21/2020

I certify that Elizabeth Gurrieri has read this Addendum to the Original Plea Agreement and that we have discussed its meaning. I believe she understands the Addendum and is entering into the Addendum freely, voluntarily, and knowingly. I also certify that the U.S. Attorney has not extended any other offers regarding a change of plea in this case, except the original plea agreement and cooperation agreement.

  
Melissa Bayer Tearney, Esq.  
Attorney for Defendant

Date: 5-21-2020