

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN CESPEDES,

Defendant.

CASE NO. 1:20-CR-77

JUDGE BLACK

PLEA AGREEMENT

The United States Attorney's Office for the Southern District of Ohio (USAO) and the Defendant, **JUAN CESPEDES**, individually and through counsel, pursuant to Rule 11(c)(1)(A) of the Federal Rules of Criminal Procedure, agree as follows:

1. **Offense of Conviction:** The Defendant agrees to plead guilty to Count One of the Indictment in this case, which charges the Defendant with Racketeer Influenced and Corrupt Organizations ("RICO") Conspiracy, in violation of 18 U.S.C. § 1962(d) and will not withdraw or attempt to withdraw the plea. The Defendant admits that the Defendant is, in fact, guilty of this offense and will so advise the Court.
2. **Elements of the Offense:** The elements of the offense to which the Defendant has agreed to plead guilty are as follows:
Count One, RICO Conspiracy
 - a) First, that an enterprise existed as charged in the Indictment;
 - b) Second, that the enterprise affected interstate or foreign commerce;
 - c) Third, the defendant was associated with or employed by the enterprise; and
 - d) Fourth, the defendant knowingly conspired to participate in the affairs of the enterprise through a pattern of racketeering activity.
3. **Penalties:** The statutory penalties for Count One are as follows:
 - a) Not more than 20 years' imprisonment, a term of supervised release of not longer than 3 years, a fine not to exceed \$250,000.00 or, more than the greater of twice the gross gain by the defendant or twice the gross loss to another.
 - b) Restitution;
 - c) Forfeiture; and

d) A mandatory special assessment of \$100.00 due prior to sentencing.

4. **Waiver of Rights:** The Defendant understands that he has the following rights:

- a) To plead not guilty;
- b) To have a trial by jury;
- c) To be assisted by counsel during such trial;
- d) To confront and cross-examine adverse witnesses;
- e) To testify, if so desired, and to present evidence and compel the attendance of witnesses;
- f) To not be compelled to testify or present evidence, and to not have these decisions held against the Defendant; and
- g) To be presumed innocent throughout trial and until a jury finds proof of guilt beyond a reasonable doubt.

The Defendant further understands that if the Court accepts the Defendant's plea pursuant to this plea agreement, there will be no trial and the Defendant waives these rights.

5. **Immigration Consequences:** The Defendant understands that if he is not a United States citizen or is a naturalized citizen, a guilty plea and conviction may have consequences for the Defendant's immigration status, including removal from the United States, denial of citizenship, denaturalization, and denial of admission to the United States in the future. No one involved in this proceeding, including the defense attorney or district court, can predict the immigration consequences of the Defendant's guilty plea and conviction. Nevertheless, the Defendant affirms that he wants to plead guilty, regardless of any immigration consequences that a guilty plea may entail, even if this guilty plea means that removal from the United States and/or denaturalization will be a virtual certainty under immigration law.

6. **Applicability of Advisory Sentencing Guidelines:** The Defendant understands that in determining a sentence, the Court has an obligation to calculate the applicable sentencing guideline range and to consider that range, possible departures under the United States Sentencing Guidelines ("U.S.S.G."), and other sentencing factors under 18 U.S.C. § 3553(a).

7. **Factual and Sentencing Stipulation:** The parties agree to the Statement of Facts set forth in Attachment A, and incorporate it here by reference. The parties further agree that the Statement of Facts provide the factual basis for the Defendant's plea.


Count One: 18 U.S.C. § 1962(d)

- a) The United States Sentencing Guidelines Manual (“U.S.S.G”), effective November 1, 2018, applies to this conduct.
 - b) Pursuant to U.S.S.G. § 2E1.1, the base offense level is either 19, or the offense level applicable to the underlying racketeering activity, whichever is higher.
 - c) The parties have not reached an agreement on all possible offense level adjustments.
 - d) The USAO does not oppose a 2-level reduction in offense level pursuant to U.S.S.G. § 3E1.1 based upon the Defendant’s acceptance of responsibility, provided that the Defendant’s conduct continues to demonstrate compliance with the terms of § 3E1.1. The Defendant may be entitled to an additional 1-level decrease pursuant to U.S.S.G. § 3E1.1(b) in recognition of the Defendant’s timely notification of his intention to plead guilty.
8. **Obligations of the USAO:** The USAO will not further prosecute the Defendant for conduct prior to the date of this Plea Agreement that was part of the same course of criminal conduct described in the Indictment and that was known by the USAO at the time of the execution of this Plea Agreement. This agreement does not bind any other local, state, or federal prosecutions.
 9. **Waiver of Appeal:** In exchange for the concessions made by the USAO in this plea agreement, the Defendant waives the right to appeal the conviction and sentence imposed, except if the sentence imposed exceeds the statutory maximum. Defendant also waives the right to attack his conviction or sentence collaterally, such as by way of a motion brought under 28 U.S.C. § 2255 and 18 U.S.C. § 3582. However, this waiver shall not be construed to bar a claim by the Defendant of ineffective assistance of counsel or prosecutorial misconduct.
 10. **Hyde Amendment:** The Defendant agrees that he is not a “prevailing party” as these terms are used in the Hyde Amendment (set forth as a statutory note under 18 U.S.C. § 3006A) and waives any and all rights that he may have under that statute.
 11. **Freedom of Information Act:** The Defendant waives all rights under the Freedom of Information Act relating to his investigation and prosecution and agrees not to file any request for documents. The Defendant also waives all rights he may have under the Privacy Act of 1974, which prohibits the disclosure of records contained in a system of records without his written request or consent.
 12. **Acceptance of Plea Agreement:** The Defendant understands that the Court is not bound by the sentencing recommendations or stipulations of the parties and that it is within the sole discretion of the Court to impose the sentence in this case.
 13. **Violation of Plea Agreement:** The Defendant agrees to abide by the terms of this agreement, including all of the conditions listed in U.S.S.G. § 3E1.1. The Defendant

understands that in the event he violates this agreement, the USAO will be relieved of all of its obligations under this agreement and may institute any charges or sentencing recommendations that would otherwise be prohibited by this agreement, and the Defendant will not be relieved of any of his obligations under the plea agreement. Further, the Defendant understands and agrees that if he violates this agreement or it is voided for any reason, the Defendant waives all defenses based upon the statute of limitations and the Speedy Trial Act as to any charges that are part of the same course of criminal conduct described in the Indictment. And the Defendant understands that if the Defendant violates this agreement, the Defendant waives protection afforded by Rule 11(f) of the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules of Evidence, and § 1B1.8(a) of the United States Sentencing Guidelines. Any statements made by the Defendant in the course of plea discussions, in any proceeding pursuant to Fed. R. Crim. P. Rule 11, and to law enforcement authorities will be admissible against the Defendant without limitation in any civil or criminal proceeding.

14. **Defendant's Acknowledgment:** The Defendant has read and understands this plea agreement; the Defendant accepts this plea agreement knowingly and voluntarily and not as a result of any force, threats, or promises, other than the promises in this plea agreement. The Defendant has conferred with counsel regarding this plea agreement and the facts and circumstances of the case, including the applicable law and potential defenses, and the Defendant is fully satisfied with the representation, advice, and other assistance of counsel in this case.
15. **Entire Agreement.** This agreement, along with any attachment(s), is the complete agreement between the parties. It supersedes all other promises, representations, understandings, and agreements between the parties.

DAVID M. DEVILLERS
United States Attorney



EMILY N. GLATFELTER
MATTHEW C. SINGER
Assistant United States Attorneys

I have read this agreement and carefully reviewed every part of it with my attorney. I understand it, I voluntarily agree to it, and I do not wish to change any part of it. I am completely satisfied with the representation of my attorney.

10/16/2020
Date

Juan Cespedes
JUAN CESPEDES
Defendant

I am the Defendant's attorney. I have carefully reviewed every part of this agreement with the Defendant, who advises me that he understands and accepts its terms. To my knowledge, the Defendant's decision to enter into this agreement is an informed and voluntary one.

10/16/2020
Date

Mark C. Collins, Esq.
Mark C. Collins, Esq.
Attorney for **JUAN CESPEDES**

**ATTACHMENT A:
STATEMENT OF FACTS**

The United States and Defendant JUAN CESPEDES stipulate and agree that if this case proceeded to trial, the United States would prove the facts set forth below beyond a reasonable doubt. They further stipulate and agree that these are not all of the facts that the United States would prove if this case had proceeded to trial.

Beginning in at least 2016 and continuing through July 21, 2020, in the Southern District of Ohio and elsewhere, the Defendant, **JUAN CESPEDES**, along with **LARRY HOUSEHOLDER**, **JEFFREY LONGSTRETH**, **NEIL CLARK**, **MATTHEW BORGES**, **JUAN CESPEDES**, and **GENERATION NOW** (“the Defendants”), and others, being persons employed by and associated with **Householder’s Enterprise** (as defined in the Indictment) an enterprise, engaged in, and the activities of which affected interstate commerce, did knowingly and intentionally conspire with each other and others known and unknown to the Grand Jury to violate Title 18 United States Code, Section 1962(c), that is, to conduct and participate directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity, as that term is defined in 18 U.S.C. §§ 1961(1) and 1961(5), consisting of multiple acts indictable under 18 U.S.C. §§ 1343, 1346 (relating to honest services wire fraud); 18 U.S.C. § 1951 (relating to interference with commerce, robbery, or extortion); 18 U.S.C. § 1952 (relating to racketeering, including multiple acts of bribery under Ohio Revised Code § 3517.22(a)(2)); 18 U.S.C. § 1956 (relating to the laundering of monetary instruments); 18 U.S.C. § 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity); and multiple acts involving bribery, chargeable under Ohio Revised Code § 2921.02. It was part of the conspiracy that Defendant **JUAN CESPEDES**, and along with the Defendants and others, agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

For example, beginning in or around 2018, **CESPEDES** participated directly and indirectly in the conduct of the affairs of the Enterprise, and conspired with the Defendants and others to do the same, by:

- orchestrating payments on multiple occasions to **GENERATION NOW** for the benefit of the Defendants and others in return for specific official action by **HOUSEHOLDER** relating to the passage and preservation of legislation that would go into effect and save the operation of two nuclear power plants in Ohio;
- orchestrating the above-mentioned payments knowing that Defendants and others would engage in financial transactions involving the payments that were designed to conceal the nature, source, ownership, and control of the payments;
- engaging in monetary transactions of over \$10,000 involving the above-mentioned payments after the payments were passed through accounts controlled by Defendants and others; and
- agreeing that conspirators would make payments and attempt to make payments to employees and agents of the Ballot Campaign (as defined in the Indictment) to improperly

discharge their campaign duties and to obtain inside information about the Ballot Campaign's organization that was material to the Ballot Campaign and conspirators' efforts to defeat the Ballot Campaign.

I have read the Statement of Facts and have carefully reviewed it with my attorney. I acknowledge that it is true and correct.


10/6/2020
Date



JUAN CESPEDES
Defendant

I am JUAN CESPEDES's attorney. I have carefully reviewed the Statement of Facts with the Defendant.

10/6/20
Date



Mark C. Collins, Esq.
Attorney for JUAN CESPEDES