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**U.S. Department of Justice**

*United States Attorney  
District of New Jersey*

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Newark, NJ 07102

(973) 645-2700

ADL/JHY/PL AGR  
2012R09263

April 30, 2014

Alyssa A. Cimino, Esq.  
Cimino Law, LLC  
376 Hollywood Ave., Suite 206  
Fairfield, NJ 07004

Re: Plea Agreement with Shreyans Desai

Dear Ms. Cimino:

This letter sets forth the plea agreement between your client, Shreyans Desai, 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 Shreyans Desai ("the defendant") to Counts 1 and 2 of the Superseding Indictment, in violation of 18 U.S.C. §§ 1343 and 2. If the defendant enters a guilty plea and is sentenced on these charges, and otherwise fully complies with all of the terms of this agreement, this Office will not initiate any further criminal charges against the defendant in connection with knowingly and wilfully making material misrepresentations to the investors identified in the Superseding Indictment between October 2008 and February 2011. In addition, if Shreyans Desai fully complies with all of the terms of this agreement, at the time of sentencing in this matter, this Office will move to dismiss Count 3 of the Superseding Indictment. 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, Shreyans Desai 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 Shreyans Desai may be commenced against him, notwithstanding the expiration of the limitations period after Shreyans Desai signs the agreement.

### Sentencing

The violations of 18 U.S.C. § 1343 to which Shreyans Desai agrees to plead guilty each carries a statutory maximum prison sentence of 20 years and a statutory maximum fine equal to the greatest of: (1) \$250,000, or (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. The sentence on each count may run consecutively. Fines imposed by the sentencing judge may be subject to the payment of interest.

The sentence to be imposed upon Shreyans Desai 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 Shreyans Desai ultimately will receive.

Further, in addition to imposing any other penalty on Shreyans Desai, the sentencing judge: (1) will order Shreyans Desai to pay an assessment of \$200 pursuant to 18 U.S.C. § 3013, which assessment must be paid by the date of sentencing; (2) may order Shreyans Desai to pay restitution pursuant to 18 U.S.C. § 3663 et seq.; (3) must order forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853, and 28 U.S.C. § 2461; and (4) pursuant to 18 U.S.C. § 3583, may require Shreyans Desai to serve a term of supervised release of not more than 3 years on each of Counts 1 and 2, which will begin at the expiration of any term of imprisonment imposed. Should Shreyans Desai be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, Shreyans Desai may be sentenced to not more than 2 years' imprisonment on each of Counts 1 and 2, which may run consecutively, 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.

### 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 Shreyans Desai 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 Shreyans Desai's activities and relevant conduct with respect to this case.

### Stipulations

This Office and Shreyans Desai 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 Shreyans Desai 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 Shreyans Desai 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

Shreyans Desai 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. Shreyans Desai understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. Shreyans Desai 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. Shreyans Desai understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, Shreyans Desai 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

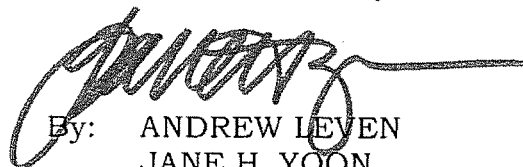
This agreement is limited to the United States Attorney's Office for the District of New Jersey and cannot bind other federal, state, or local authorities. However, this Office will bring this agreement to the attention of other prosecuting offices, if requested to do so. This agreement was reached without regard to any civil or administrative matters that may be pending or commenced in the future against Shreyans Desai. 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 Shreyans Desai.

No Other Promises


This agreement constitutes the plea agreement between Shreyans Desai 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: ANDREW LEVEN  
JANE H. YOON  
Assistant U.S. Attorneys

APPROVED:

  
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JACOB T. ELBERG  
Chief, Health Care & Government Fraud Unit

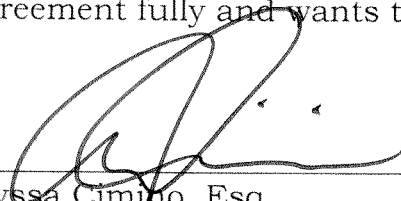
I have received this letter from my attorney, Alyssa Cimino, Esq. I have read it. My attorney and I have discussed it and all of its provisions, including those addressing the charges, sentencing, stipulations, waiver, and immigration consequences. I understand this letter fully. I hereby accept its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

  
\_\_\_\_\_  
Shreyans Desai

Date: May 1, 2014

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

  
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Alyssa Cimino, Esq.

Date: 5/1/2014

Plea Agreement With Shreyans Desai

Schedule A

1. This Office and Shreyans Desai agree to stipulate to the following:

a. The version of the United States Sentencing Guidelines, effective November 1, 2013, applies in this case.

b. The applicable guideline is U.S.S.G. § 2B1.1. Pursuant to this guideline, the Base Offense Level for wire fraud is a level 7.

c. The parties do not agree on the applicable loss amount and reserve their rights to argue the applicable loss amount, if any, at sentencing.

d. The parties agree that, pursuant to U.S.S.G. § 3B1.3, a 2-level enhancement for abuse of position of trust or use of special skill applies in this case.

2. In return for the promises set forth in this plea agreement, and except as noted below in this paragraph, both parties voluntarily waive 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 the conviction. Furthermore, in return for the promises set forth in this plea agreement, if the sentencing court imposes a sentence of 27 months or less, both parties voluntarily waive 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 the sentence. The parties reserve any right they may have under 18 U.S.C. § 3742 to appeal the sentencing court's determination of the criminal history category. The provisions of this paragraph are binding on the parties even if the Court employs a Guidelines analysis different from the stipulations set forth herein.

3. 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.