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APPENDIX A

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-2247

United States of America
Appellee

v.

Jeremy Young Hutchinson
Appellant

Appeal from U.S. District Court for the
Western District of Missouri - Springfield
(6:19-cr-03048-BCW-3)

MANDATE

In accordance with the opinion and judgment of August 22, 2024, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

September 17, 2024

Acting Clerk, U.S. Court of Appeals, Eighth Circuit

APPENDIX B

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-2247

United States of America
Plaintiff - Appellee

v.

Jeremy Young Hutchinson
Defendant - Appellant

Appeal from U.S. District Court for the
Western District of Missouri - Springfield
(6:19-cr-03048-BCW-3)

JUDGMENT

Before COLLOTON, Chief Judge, MELLOY, and
GRUENDER, Circuit Judges.

This appeal from the United States District
Court was submitted on the record of the district court
and briefs of the parties.

After consideration, it is hereby ordered and
adjudged that the judgment of the district court in this
cause is affirmed in accordance with the opinion of this
Court.

August 22, 2024

Order Entered in Accordance with Opinion:
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Maureen W. Gornik

APPENDIX C

**United States Court of Appeals
For the Eighth Circuit**

No. 23-2247

United States of America,
Plaintiff - Appellee,

v.

Jeremy Young Hutchinson,
Defendant - Appellant.

Appeal from United States District Court
for the Western District of Missouri - Springfield

Submitted: June 13, 2024

Filed: August 22, 2024

[Unpublished]

Before COLLOTON, Chief Judge, MELLOY and
GRUENDER, Circuit Judges.

PER CURIAM.

Jeremy Hutchinson pleaded guilty to conspiring
to commit federal programs bribery. The district court*

* The Honorable Brian C. Wimes, United States District
Judge for the Western District of Missouri.

sentenced him to fifty months' imprisonment. Hutchinson appeals and raises several arguments relating to his plea agreement based on Federal Rule of Criminal Procedure 11(c)(1)(B). We reject the contentions and affirm the judgment.

A grand jury in the Western District of Missouri charged Hutchinson with conspiring to commit theft or bribery in connection with programs receiving federal funds. *See* 18 U.S.C. §§ 371, 666(a)(1)(B), 666(a)(2). The parties entered into a plea agreement under Rule 11(c)(1)(B), as part of a "global settlement" resolving this case and two others in federal courts in Arkansas.

The parties jointly recommended Hutchinson's base offense level under the sentencing guidelines, the application of particular increases and decreases in the offense level, and an appropriate criminal history category. The parties also reserved their "right to argue for any lawful sentence," including a sentence outside the guideline range, so long as the argument did not violate the agreement.

At sentencing, the district court first calculated an advisory guideline range of 108 to 135 months' imprisonment. The statutory maximum penalty, however, was 60 months, *see id.* § 371, so 60 months became the guideline sentence. USSG § 5G1.1(a). The government recommended a sentence of 51 months to run consecutively to Hutchinson's sentences in the Arkansas cases. Hutchinson sought a sentence of a year and a day to run concurrently with the other sentences. Hutchinson did not object that the government's advocacy conflicted with Rule 11 or the

plea agreement. The district court sentenced Hutchinson to 50 months' imprisonment to be served consecutively to the sentences imposed in the Arkansas cases. In making its determination, the district court had access to the sentencing transcript from Hutchinson's cases in Arkansas, and the court referred to the sentences imposed in Arkansas.

Hutchinson raises several issues on appeal. All turn on whether his plea agreement and the government's conduct at sentencing complied with Rule 11(c)(1)(B). The arguments were forfeited in the district court, so we review only for plain error. *United States v. Olano*, 507 U.S. 725, 732-33 (1993).

Subsection (B) allows parties to enter plea agreements under which the government may:

recommend, or agree not to oppose the defendant's request, that a particular sentence or sentencing range is appropriate or that a particular provision of the Sentencing Guidelines, or policy statement, or sentencing factor does or does not apply (such a recommendation or request does not bind the court).

Hutchinson contends that the text of Rule 11(c)(1)(B) "requires that the Government either join in or not oppose the defense's sentencing recommendation." He maintains that the portions of the agreement reserving the government's right to make its own recommendation were unenforceable or rendered the agreement ambiguous. Hutchinson

contends that the government committed prosecutorial misconduct by making its own sentencing recommendation. He also argues that his counsel was ineffective for failing to raise these objections.

Hutchinson's position is that Rule 11(c)(1)(B) constrains the government either to "recommend" or "agree not to oppose" *the defendant's request* for a particular determination at sentencing, and does not allow the government to make its own recommendation. This reading ignores punctuation in the text of the rule that creates two separate clauses. The rule allows for two options: the government may "recommend . . . that a particular sentence or sentencing range is appropriate," or the government may "agree not to oppose the defendant's request . . . that a particular sentence or sentencing range is appropriate." The rule provides the same two options for other determinations under the sentencing guidelines. The rule does not call for the government to "recommend . . . the defendant's request" because that formulation would combine two separate grammatical clauses. One clause specifies what the government may recommend. A separate clause, set off by commas, provides that the government may "agree not to oppose the defendant's request" on those matters.

A plea agreement under Rule 11(c)(1)(B), therefore, may specify that the government will recommend its own position regarding particular determinations at sentencing, or that the government will agree not to oppose the defendant's request on particular sentencing matters. The government may

not argue against a promise that it makes in the agreement, *United States v. Fowler*, 445 F.3d 1035, 1038 (8th Cir. 2006), but it may disagree with the defendant on issues that the agreement does not address. *United States v. Quebedo*, 788 F.3d 768, 775 (8th Cir. 2015). The government does not bind itself to remain silent or join in a defendant's request simply by entering into an agreement under Rule 11(c)(1)(B).

Hutchinson's plea agreement conformed to Rule 11(c)(1)(B), and no party violated it. The parties jointly recommended a base offense level, the application of several adjustments, and a criminal history category. The agreement does not mention an appropriate final sentence or whether the sentence should be concurrent with or consecutive to the sentences imposed in the Arkansas cases. The agreement instead reserved the government's right to recommend any lawful sentence. The government did not violate the plea agreement by recommending a sentence of 51 months' imprisonment to run consecutively to Hutchinson's sentences in the Arkansas cases. We therefore reject his arguments regarding an alleged breach of the plea agreement and alleged prosecutorial misconduct.

We ordinarily defer claims of ineffective assistance to collateral proceedings, *see United States v. Oliver*, 950 F.3d 556, 566 (8th Cir. 2020), but Hutchinson's claim in this appeal is foreclosed by our conclusion on his other contentions. He argues that his counsel was ineffective because the lawyer counseled him to sign an "illegal" plea agreement and did not object when the government made its own sentencing recommendation. Because the agreement was not

illegal and the government permissibly made a recommendation, counsel's performance was not deficient or ineffective. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984).

For these reasons, the judgment of the district court is affirmed. The government's motion to dismiss the appeal is denied as moot. Hutchinson's motion to supplement the record with his Arkansas plea agreement is denied because the terms of that agreement are immaterial to the arguments raised in Hutchinson's brief on appeal.

APPENDIX D

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

JEREMY HUTCHINSON,
Defendant.

No. 6:19-cr-03048-BCW-3

April 25, 2023

Springfield, Missouri

CRIMINAL

**SENTENCING TRANSCRIPT
BEFORE THE HONORABLE BRIAN C. WIMES
UNITED STATES DISTRICT JUDGE**

Proceedings recorded by electronic voice writing
Transcript produced by computer

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April 25, 2023
(Proceedings began at 4:23 PM)

THE COURT: Good afternoon. Let the Court call the case. This is the United States versus Jeremy Young Hutchinson. Case No. 19-cr-03048. Could I have parties enter their appearance for the record, starting with the government.

MS. MAZZANTI: Your Honor, Stephanie Mazzanti, Special Assistant with the Western District of Missouri.

MR. EGGERT: Randy Eggert, United States Attorney's Office, Western District of Missouri.

MR. KEMPF: Shannon Kempf, Assistant United States Attorney, Western District of Missouri.

MR. STEINER: Good afternoon, Your Honor, Jacob Steiner from the Public Integrity Section.

THE COURT: Okay. For the defense.

MR. DUDLEY: Judd Dudley, Your Honor, representing the defendant.

THE COURT: Good afternoon, Mr. Dudley.

The Court set this for sentencing on today's date, from a plea that took place on July 8th, of 2019, in front of Judge Rush, whereas Mr. Hutchinson pled guilty to Count 1, conspiracy, in violation of 18 U.S.C. Section 371 which is a Class D Felony. This Court on July 23rd of 2019, accepted Mr. Hutchinson's plea of guilty and adjudication of guilty. A presentence investigation report was ordered. Let me ask counsel, Mr. Dudley, have you had an opportunity to review and to go over that presentence investigation report with your client?

MR. DUDLEY: I have, Your Honor.

THE COURT: And the Court did note that there were no objections, is that correct from the defense?

MR. DUDLEY: That is correct, Your Honor.

THE COURT: And with respect to the government, you do have an objection?

MS. MAZZANTI: Yes, Your Honor. That is correct. And it is adequately set forth in the addendum to the original -- the presentence report that was provided to the parties.

THE COURT: Okay.

MS. MAZZANTI: Specifically, we contend that the Burris robbery scheme does not constitute relevant conduct and therefore, should receive separate criminal history points. And that does impact the ultimate guideline calculation.

THE COURT: Okay. I did have the opportunity for the record to talk to counsel in chambers about the objection of the government. I know the presentence investigation report -- and that's why we had the objection.

Well, the Court is going to sustain the objection of the government and find that it is not related conduct. And what that does -- let me start with the offense level computation. And counsel make sure I have this correct. What that does is Paragraph 55 results in the threshold amount being below the \$550,000, is that correct?

MS. MAZZANTI: Yes, Your Honor.

THE COURT: And then the enhancement would be 12 points opposed to 14 points by the Court's

calculation?

MS. MAZZANTI: That is correct, Your Honor.

THE COURT: Further, with regards to the criminal history points, because Mr. Hutchinson was sentenced in Case Nos. 19-CR-00333 and 18-CR-00450, there are three criminal history points because of this sentence which would make his criminal history category a 3.

So what that does is the total offense level would be a 29. The criminal history points would be a category 3. And the Court has calculated the guideline sentence as 108 to 135 months.

MS. MAZZANTI: That's correct, Your Honor.

THE COURT: Now the Court does recognize, that being said, the statutory maximum is 60 months on this sentence. That being said, now the Court will entertain recommendations from the parties with respect to final disposition.

Counsel for the government?

MS. MAZZANTI: Your Honor, I would just first note for the record the parties have reached an agreement with respect to the money judgment to be entered. And the presentence investigation report notes that that will be determined at the time of sentencing. The parties have agreed to a money judgment in the amount of the defendant's gain that is reflected in Paragraph 28 and 49C of the presentence

investigation report of \$468,125. That is the request and Mr. Dudley confirmed for the defendant that he is in agreement with that amount on the money judgment as opposed to a different amount.

THE COURT: Okay.

MS. MAZZANTI: With respect to the appropriate sentence to be imposed in this case. The United States filed the sentencing memorandum requesting that the Court impose a sentence of 51 months imprisonment to run consecutive to the sentences that were imposed by Judge Baker in the Eastern District of Arkansas. The United States set forth the basis and reasons why it believes that sentence is appropriate in its sentencing memorandum.

THE COURT: Counsel, and let me just be clear, those sentences were ran consecutive to one another, is that correct?

MS. MAZZANTI: That is correct, Your Honor.

THE COURT: And I just want to make sure in Case No. 19-CR-00333, Mr. Hutchinson was sentenced to 18 months, is that correct? And on Case No. 18-CR-00450, 28 months, is that correct? And those ran consecutive to one another for a total of 46 months?

MS. MAZZANTI: That is correct, Your Honor.

THE COURT: Okay. Thank you.

MS. MAZZANTI: And Your Honor, it was appropriate in the government's view for the sentences to run consecutive. They were very different schemes and different contact similar to the government's position in this case, that this is a separate scheme involving bribery. While the case in the Eastern District of Arkansas with respect to the bribery concerned Agent Burris and an orthodontist who wanted certain legislation passed for his benefit and for the benefit of his businesses. This case involves a very different harm. All of the bribery schemes involve harm to the people of the state of Arkansas because what the defendant did to the people of the state of Arkansas is he undermined their confidence in democracy. He sold his vote. They put him in office and trusted him to do what was advertised, and that is to do the role of the people, and to represent them appropriately and to uphold the law as both as an attorney as well as an elected official. Instead he sold his vote to multiple different people over time. And for Dr. Burris he took legislative action on his behalf, an official action on his behalf. But also in this case he took separate action, with separate co-conspirators, and he harmed not only the people of the state of Arkansas by this action, but he also harmed those people who were supposed to be helped by Preferred Family Healthcare's services. And that includes people from multiple jurisdictions including the state of Missouri.

The other case out of Eastern Arkansas concerned the defendant's choices to lie on his taxes and falsify his tax returns over several years, as well as the appropriation of campaign funds and using

those for his own personal gain. And so these are all different types of criminal conduct or different participants in the criminal conduct that are at play here. And so the government's position is that these sentences should run consecutive to one another because the harms are distinct, the conduct is distinct, and the defendant has already received significant benefits of the plea agreement. As the Court previously noted his guideline range in this case but for the plea agreement would be well above five years. And here the defendant was capped at five years per the terms of the plea agreement.

Additionally, Your Honor, the sentence that the Court in this case should impose should reflect the need to punish the offense, but also to deter others from engaging in similar criminal conduct. And the United States has noted a number of different cases where significant sentences were imposed on defendants who chose to engage in this type of conduct. And in cases like this, you know, a public official who is holding himself out in a certain way to the public, and he is promising on his oath to uphold the law and to defend the constitution, and he betrayed those people who put trust in him. Just like if a judge or a law enforcement takes bribes, it undermines the system, it undermines the legal system, it undermines democracy, and so for all those reasons the United States position is that the defendant should be sentenced to 51 months to run consecutive to the sentence imposed in the Eastern District of Arkansas cases.

THE COURT: Okay. Thank you.

Counsel.

MR. DUDLEY: Your Honor, for reasons that I do not understand the government has singled Mr. Hutchinson out from a number of other defendants in similar cases and asked for a sentence that is way more severe than defendants in similar cases have received. And I say similar cases bases on what the government has said. Because when the government filed a sentencing memorandum in the Dr. Burris case, they listed cases they say are similar bribery cases. In the Burris case the government agreed in the plea agreement to seek a sentence of a year and a day. And then in trying to convince the Court that a year and a day was way below the guideline range. In trying to convince the Court that a year and a day was a proper sentence, they went through other cases in their memorandum that they said were similar.

Henry Wilkins, state legislature in Arkansas, same charge in this case, conspiracy to commit bribery, got a year and a day.

Micah Neal, honest services wire fraud, cooperated with the government, he got three years probation with one year of home detention.

Oren Paris III, another similar case according to the government. He did not cooperate. He entered a plea shortly before trial without cooperating and got 36 months imprisonment.

And then there were some that went to trial. Randell Shelton went to trial and got convicted, his

sentence was 49 months below the guideline range.

THE COURT: 49 months below?

MR. DUDLEY: Below the bottom of the guideline range.

THE COURT: What was the guideline range?

MR. DUDLEY: You know, I don't know off the top of my head.

THE COURT: That's relative to, you know.

MR. DUDLEY: Sure.

THE COURT: And certainly in some of these others, you know, and I'll take your word, but in order for me -- you want me to compare apples to apples, I'm assuming. And so factually, you know, bribery is one thing, bribery in other cases, it's another thing. You see what I'm saying?

MR. DUDLEY: I do see what you're saying.

THE COURT: So we've gotta to put some context to it for the Court. Because 49 under a 60 month sentence is different than 49 months under a 160 month sentence.

MR. DUDLEY: I can tell you, Your Honor. Give me just a second.

THE COURT: Sure.

MR. DUDLEY: We were talking about Randell Shelton, I think. His guideline range was 121 to 151.

THE COURT: Okay.

MR. DUDLEY: And then the next one, Jonathan Woods, his guideline range was 324 to 405. And the variance, the downward departure was a variance 104 months below the guideline range.

THE COURT: So 220?

MR. DUDLEY: That's correct.

And Your Honor, the only reason I included those is because the government did. The government said these are simpler cases.

Now one case that the government did not include that is a footnote in there on this case trying to say this is not a disparate sentence they are seeking was Rusty Cranford. Now, Rusty Cranford I don't remember exactly what his charge was, but he got seven years. I don't know the reason for that. I know there was talk about a murder for hire scheme with him. I don't know if that figured in to his. But it is interesting that they did not list that as similar conduct when they were trying to convince the Court that a year and a day was a good sentence. And when they want a little higher sentence here they footnote the Rusty Cranford. I mean, I say that is an outlier. But bottom line all these cases with the exception of Rusty Cranford, the longest sentence for any defendant in these bribery case who cooperated is a

year and a day. The longest sentence for any defendant who did not cooperate but plead before trial is three years. And they're asking in this case for 51 months on top of 46 months that he already gotten in Arkansas. I'd say that is a widely disparate sentence to other similar situated according to the government.

Your Honor, Mr. Hutchinson cooperated with the government in this case. He actually started his cooperating long before he had a cooperation agreement with the government. He started giving the government information about many of these folks we just talked about many years ago. And we believe, I don't know this for sure, but we believe the information that he gave to them lead to the indictment of many of these folks that I just listed. And after he entered a formal cooperation agreement with the government he spent days, he and I both spent days right up here, I don't remember how many, it was several days being debriefed by the government. And when the government was preparing him to testify in this case he spent more time, several days, preparing to testify. So he spent -- he cooperated with the government, and we believe his cooperation was very good information for the government.

Jeremy pled guilty and as you noted in 2019. He thought he would be sentenced shortly after that. In fact, some of the letters that we submitted were from that time period because we were gathering letters of support anticipating he would be sentenced. The government understandably wanted to see his cooperation play out before he got sentenced. So he has spent four years waiting. He obviously lost his law

license. He lost his position as a senator. He had to work for whatever odd jobs he could find. He worked as a yard man, an Uber driver. Just whatever those kind of jobs he could find. He did not make much money. He pled guilty to a crime of dishonesty on a high-profile and high publicity case and he couldn't get employment. The last four years have been very difficult on Mr. Hutchinson and on every facet of his life. From marriage to self-worth, the relationships with his friends, family, and certainly his kids. And I know that the Court just saw letters from members of his ex-wife's family. And I've got to address that because I strongly object to the factual assertions made in those letters. We dispute those factual assertions about whether he invested in his kids, what kind of money he had, what he has paid his lawyers. Those are all factual matters that were made not under oath, not subject to cross-examination. If those assertions had been made on the PSR we could have challenged them and the government would have had to put on proof and would have been subject to cross-examination. And I ask the Court to ignore the factual allegations in those letters, because I think it violates his due process rights to consider them.

THE COURT: I don't think the hurt that those letters violate. The hurt -- I understand what you're saying, but there are more to those letters than simply that as I read it.

MR. DUDLEY: I understand, Your Honor. And I'm not saying the Court shouldn't consider them saying give him a sentence based on the conduct that he's convicted of. Sure. I understand that.

THE COURT: Right.

MR. DUDLEY: But there is a lot of things in there that has nothing to do with the conduct he is convicted of.

THE COURT: Right.

MR. DUDLEY: And those are the factual assertions that I object to.

Sometimes I get to feeling the government wants the Court to believe that Mr. Hutchinson has been corrupt for a long time and that he was somehow the ringleader of all these folks that were involved in these cases. He wasn't the ringleader. He didn't go to these folks and say pay me money and I'll vote the way you want me to vote. It was the other way around, they came to him. And he gave in. There is not excuses. He admits he gave in and did it. But in some attempt to mitigate what he did, in this case he did perform legal services for his client. He didn't perform enough legal services to justify what they paid him. But neither did he perform none. I don't know how much you know about the grants in Arkansas, but there are grants that are called GIF grants in Arkansas, and back then senators would have discretion to give those grants basically to anybody they wanted to. That's how the other folks got in trouble. They would give grants and then give a kick back from the person they gave the grant to. Well, Jeremy's client in this case requested that he give them grant money, and he refused to do it. Despite the letters you read this morning you also got a letter that

I submitted from Jeremy's current wife. And she says he's a loving husband. You got a letter from his step-daughter, she says Jeremy is a great father. As a lawyer Jeremy did a lot of pro bono work. He taught classes as a senator for a reentry program for men and women six weeks from their release date from prison. Since his indictment you got letters from folks that he has counseled in ministries who were drug addicts. So why he did bad things, he is not a man who has been corrupt from the beginning and he will not repeat the mistakes he made in this case.

Deterrence, that's been in debate for a long time on whether a length in sentence deters others conduct. I say no. I say repeated criminals don't sit down and think about I'm going to do this crime if all I do is a year, but I'm not going to do it if I get four years. In fact, I think that deterrence is, especially for somebody in Jeremy Hutchinson's position. I think the deterrence is the fear of getting caught. You know, if somebody had gone to Jeremy before all this started and said, Jeremy, if you do this, you're going get caught and you're going to have to resign your position in the Senate, you're going to lose your law license, you gonna lose your income, you're going to be publically humiliated, and you're going to publically humiliate your family, he wouldn't have done it. Even if you said, you won't go to jail, but all those other things are gonna happen to you, he wouldn't have done it. So I don't think it's a length of a sentence that deters other folks, I think it's the certainty and punishment and the fear of getting caught that punish other folks. And if -- you know, if somebody is contemplating what Jeremy did, and they know they will get 46 months if they are

convicted, are they going to say, okay, I'll do it for 46 months, but if it's 75 months I'm not gonna do it. I just do not believe that's the way folks think. I do not think that's the way deterrence works.

Let me briefly say, I have already told you something about Jeremy. The letters that we submitted, Your Honor, I think speak volumes. Not only but what's in them, but by who all is included that sent letters. We have folks like the former Democratic Senator, and of course, Mr. Hutchinson is a Republican. You have letters from drugs addicts, you have a letter from a prisoner serving a life sentence, letters from former colleagues of his in the legislature, letters from the US attorney and letters from the former US assistant attorney, family members and friends, legislatures who confirmed that Jeremy was a good legislator who voted his conscious even when his party didn't like it. He worked across the aisle.

You know, the law is the Court should impose a sentence that is sufficient but not greater than necessary to accomplish the goals of sentencing. He's got 46 months. I think that is certainly sufficient to accomplish the goals of sentencing. So Your Honor, we ask you to give him a sentence that all these other folks in his place that is those who cooperated and pled got, which was a year and a day, we ask the Court to impose a year and a day and run it concurrently with the sentences in Arkansas.

Thank you, Your Honor.

THE COURT: Thank you.

Did you have any quick response?

MS. MAZZANTI: I do, Your Honor.

THE COURT: Specifically probably to the disparity issue.

MS. MAZZANTI: Yes, Your Honor. And that was kind of wanted to hone in on, on something that I thought was important to address. And we address the same things before Judge Baker. And we submitted the transcripts of that hearing and so the Court has already had the chance, so I'm not going to belabor it. But I would note is that in the Burris case, with respect to Mr. Burris, he has significant health issues. And there are many reasons that the Court accepted the plea, there are a number of reasons that the government chose to offer that plea agreement. In part, one differentiation here is that Mr. Burris didn't actually receive any financial benefit. He was ultimately just out of pocket all of the \$157,500 that he paid the defendant. And so that is one aspect of that resolution. There is also the fact that the defendant in that case was not the public elected official. Publically elected officials should be punished more stringently because they are in a position of trust. They are holding themselves out to the public to be something different than they are, in fact, if they are convicted of bribery. With respect to Mr. Wilkins, it was the same situation. I handled that sentencing hearing, I requested a higher sentence from Judge Miller. He ultimately gave Mr. Wilkins a year and a day and based it in large part on his health issues. And so that is different than Mr. Hutchinson in this case. Mr.

Neal, who received the probationary sentence, the government requested more in that case, the judge opted not to give him more time. And then Neal and Mr. Shelton they were not the publically elected officials either so they were different. Mr. Woods who was the elected official got 220 months. And so and then Mr. Cranford in this case who was closely connected to Mr. Hutchinson got a significant prison term, 80 months and 12 days or something to that effect. We have it in our memo. So whenever you look at the people -- Mr. Cranford in particular, I think that that is a very comparable defendant in terms of the conduct engaged in in this case. And I will also so that Mr. Cranford was a much better cooperator than Mr. Hutchinson was. Mr. Hutchinson as was alluded to and stated by the government at his sentencing hearing in Eastern Arkansas chose to take the stand in front of Judge Baker and perjure himself. He lied. And that was acknowledged by the government throughout the course of these proceedings. He had a stack, the defendant in this case, Mr. Hutchinson, had a stack of cross-examine materials available for the defense to use on cross-examination just like the government did whenever Mr. Hutchinson chose to try to get his case dismissed with false allegations and lied under oath. And so he is not the same kind of cooperator that some of the other people were. And so the government took that into account and laid it out in the government's submissions to the Court. Those things make Mr. Hutchinson different.

Thank you, Your Honor.

THE COURT: Okay. Thank you.

MR. DUDLEY: Your Honor, I think my client would like to address the Court.

THE COURT: Yes. You can do so now, sir.

MR. HUTCHINSON: Thank you, Your Honor.

I stand here a broken man and as Mr. Dudley has said I have been humiliated, I have lost everything and it's my fault. I am ashamed and I regret so much what I've done. First, I've caused my children shame. And I haven't spoken to them in five years since I was indicted and that is my fault. I wish to God they'd forgive me, but they don't have to. I don't deserve it. But I am trying to reconcile and I hope to be able to. I embarrass them. And I -- the thing is my dad is a phenomenal father. A lot of people standing where I'm standing can say I had a bad childhood or I had father wounds or mother wounds. I can't. I have no excuse because my dad and mom raised me very well. And I have embarrassed them. They love me and support me and I want to apologize to them. I want to apologize to the rest of my family too who bear the Hutchinson name, and they are all good people. My brother was an FBI agent, my other brother is a former prosecutor and a lawyer in Arkansas, and I have hurt their reputations. And then I want apologize to my constituents. I don't want to discount the good that we did. I worked with so many of them and I am proud of that work, and I'm grateful that they gave me the opportunity. But I did take advantage of the situation in my office for my own personal gain, and I am sorry to my constituents.

And then lastly, my wife and my stepchildren. My wife married me before this happened and she didn't bargain for this. And my step-kids didn't bargain for this, but they have stuck by me more than I deserve. They are the one thing that keeps me going. And I'm grateful for them and I love them but I owe them a great apology because they have sacrificed a lot.

And lastly, Your Honor, I promise you that I will never be back here in this situation ever again. I'm going to spend the rest of my life trying to make up for the harm that I have done, and restore the relationships that I have earned and I thank you for listening to me.

THE COURT: Okay. Thank you.

Well, Mr. Hutchinson, the Court is charged with imposing a sentence that it believes is sufficient, but not greater than necessary to comply with the statute. That statute being 18 U.S.C. Section 3553. So in doing so the Court considers the guideline here, we know the range would have been the 108 to 135, but because of the cap of the 60 months, that is the guideline range. And let me also say for the record which I didn't, the Court accepts the motion that was filed with this Court by the government.

The Court considers the presentence investigation report, aggravators, and mitigators contained therein. The Court considers argument made by counsel, motions filed with this Court, sentencing memorandums, comments you may make.

The Court has spent considerable time reviewing all letters that were submitted to the Court, and the Court will give them the weight that they deserve. In the end the Court imposes a sentence it believes meets with my obligation under the statute.

Mr. Hutchinson, what I typically do, and it is no different here, is start with the nature and circumstances of the offense and the history and characteristics of the person who is in front of me. So when I look at the underlying facts of this case I don't know what could be more egregious to be honest. When we take these positions that we take we do so with the public's trust and integrity of the position in which we hold. Because the trust in these institutions is what allows what those government allows us to do. And they have faith, they have to have faith in what we do when we serve in public office. They may not like what we do all the time, but we do so according to our role, whether it's this role or whether it is legislators representing constituents. Because by not doing so we harm the very thing that were supposed to hold and cherish, this democracy. So in this case with you the amount of damage, I don't know if you can compare how that impacts. But I do know it probably makes it more difficult for those who are doing their jobs faithful to the Arkansas Constitution and the Constitution of the United States difficult. I don't know, you know, and obviously, I can't characterize your whole life this way. I don't know, I'll take it for what I read. I read the letter you wrote me with regard to your father. But I don't know what it was. I think these cases -- I think cases in general when it comes to these financial cases, it's greed. It's that pure and

simple. So when your attorney suggests that who knowing this outcome would do it? I don't know. I can't honestly say that folks wouldn't. I think people's motivation -- I don't know. I can't say that with a degree of certainty because for whatever reason with some folks that's just what it is.

Now, when you look at the 3553 factors any sentence this Court imposes has to be one in this Court's opinion, to reflect the seriousness of the offense, promote respect for the law, especially those that are in these positions, and afford deterrence. Which I want to talk about. Counsel, you don't appear probably enough in front of me to hear me talk about it. And I may not disagree with you in terms of general deterrence. I hear argument all the time with regard to that. And but I won't even go there, because I look for the other one, the specific deterrence. Because what I do know is despite the argument that others may see this and maybe curtail their behavior, I may concur with you in some respects with regard to this. But what I do know with specific deterrence, the sentence in which I impose, that person cannot harm others in the way that they did because they are in custody, consistent with the seriousness of the offense in which they committed. Now it's important too, and that's why I spent some time trying to -- and it's hard at times to compare apples to apples. You try because what I don't want and others don't want to do in this position is to have this kind of disparate treatment on similar or like crimes. But the one thing with regard to this that I keep going back to is out of all of those individuals who was in the position, who was in the position that you were in? Who was in the position of

the trust? Who was in the person -- bribery is horrible, bribing someone, but who is in position of trust? Who is in the position that folks look to? And it's you. You're position. I have to or in my opinion I see that differently. You're the catalyst, but for this can't go on.

Let me ask a question of the parties before the Court imposes a sentence. Is this \$468,125, is that reflect the restitution?

MS. MAZZANTI: Your Honor, my understanding from talking with Western Missouri folks in the forfeiture units, it is essentially the restitution amount but we don't want to ding somebody twice. And so requested a money judgment as opposed to like having restitution plus the money judgment to recover the assets.

MR. EGGERT: Your Honor, if I may?

THE COURT: Yes.

MR. EGGERT: The order of forfeiture, Document 91 on December 3rd, of 2020. And what we are seeking here is to fulfill that particular order of forfeiture which specifically states the Court will orally announce the final calculated money amount at the time of sentencing and will include the final calculated amount in the judgment and commitment order. And I believe Ms. Mazzanti indicated that amount would be the amount that she just referenced to the Court.

THE COURT: \$468,125?

MS. MAZZANTI: Yes, Your Honor.

THE COURT: Any good reason why the Court should not impose sentence at this time?

MS. MAZZANTI: Not from the government, Your Honor.

MR. DUDLEY: No, Your Honor.

THE COURT: Okay. Mr. Hutchinson, you are hereby committed to the custody of the Bureau of prisons for a period of 50 months on Count 1 of the superseding indictment. It is further ordered that this sentence shall run consecutive to the sentences imposed in the Eastern District of Arkansas in Case No. 19-cr-333 and Case No. 18-cr-0045, which I think those sentences run consecutive for 46 months, and this for a total sentence, this Court's sentence of 96 months.

Now, upon release from prison you shall be placed on supervised release for a period of three years. Also while supervised release you shall comply with the mandatory and special conditions that have been adopted by this Court and special conditions listed in part D of the presentence and the second addendum to the presentence investigation report. The Court finds that you don't have the ability to pay the fine, therefore, the fine is waived. Also, the Court will order and enter a money judgment in the amount of \$468,125 dollars. Is that correct? Is that the correct amount?

MS. MAZZANTI: That's correct, Your Honor.

THE COURT: It is further ordered that you shall pay the United States a special assessment of \$100 which shall be due immediately.

Now, Mr. Hutchinson, obviously, you have the right to appeal what the Court has done here today. You would have 14 days from final entry of judgment to file a notice of appeal here in the Western District of Missouri. If you can't afford it you can ask for leave to appeal in forma pauperis.

Is there anything else for the record?

MS. MAZZANTI: Yes, Your Honor.

The government needed to move to dismiss the remaining counts in the first superseding indictment, as well as the original indictment charges.

THE COURT: Noted for the record. Is there anything else?

MS. MAZZANTI: No, Your Honor.

THE COURT: Anything else from the defense?

MR. DUDLEY: Your Honor, he is currently under a report date for after he gets designated. Is the Court going to leave that? We're fine with that.

THE COURT: What is that now?

MR. DUDLEY: Judge Baker in Arkansas, we had some problems getting a prison designated for him, so she entered an order that said when he get designated he's got three days to report.

THE COURT: Okay. I know typically -- I'm just trying to think this a little differently. Typically, we give about six weeks which gives them time to designate and then once they do designate -- so I have no particular preference. I don't know if it is six in one half a dozen of the other with regard to that. But typically we give about 45 days at then we have them report.

MR. DUDLEY: 45 days will be fine, Your Honor. I think he will designated before that and he will still be subject to the three day report requirement.

THE COURT: Okay. I don't want to contradict an order of Judge Baker with respect, so if he has to report three days after designation then that's what we'll have.

MS. MAZZANTI: I have a copy of Judge Baker's order here if the Court would like me to provide that?

THE COURT: No, if that is consistent with what counsel said, then that's what we will do.

MS. MAZZANTI: That's correct. It's to report to the institution designated by the Bureau of prisons before 2pm within three days of receiving a designation.

THE COURT: Okay. And that's what we will do.

Anything else for the record?

MS. MAZZANTI: Not from the government,
Your Honor.

THE COURT: Okay. That will conclude the
hearing. Mr. Hutchinson, I wish you the best of luck,
sir.

(THEREUPON, the following proceedings were
adjourned.)

CERTIFICATE

I certify that the foregoing is a correct transcript
from the record of the proceedings in the above-
entitled matter.

June 7, 2023

/s/ Denise C. Halasey
Denise C. Halasey, CCR, CVR-CM, RVR
United States Court Reporter

APPENDIX E

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

vs. No. 19-03048-03-CR-S-BCW

JEREMY YOUNG HUTCHINSON,
Defendant.

**ACCEPTANCE OF PLEA OF GUILTY AND
ADJUDICATION OF GUILT**

Pursuant to the Report and Recommendation of the United States Magistrate Judge, to which there has been no timely objection, the plea of guilty of the Defendant to Count One and admitted to the Forfeiture Allegation contained in the Superseding Indictment filed on June 13, 2019, is now **Accepted** and the Defendant is **Adjudged Guilty** of such offense. Sentencing will be set by subsequent Order of the Court.

/s/ Brian C. Wimes
BRIAN C. WIMES
UNITED STATES DISTRICT JUDGE

Date: July 23, 2019

APPENDIX F

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

vs. No. 19-03048-03-CR-S-BCW

JEREMY YOUNG HUTCHINSON,
Defendant.

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

The Defendant, by consent, has appeared before me pursuant to Rule 11, F.R.Cr.P., 22(k)(26), WDMO, and 28 U.S.C. '636, and has entered a plea of guilty to Count One contained the Superseding Indictment and admitted to the Forfeiture Allegation filed on June 13, 2019. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary, and that the offense charged is supported by a factual basis for each of the essential elements of the offense. I therefore recommend that the plea of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

Date: July 8, 2019

/s/ David P. Rush
DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

APPENDIX G

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v. Case No. 19-03048-03-CR-S-BCW

JEREMY YOUNG HUTCHINSON,
Defendant.

PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, the parties described below have entered into the following plea agreement:

1. **The Parties.** The parties to this agreement are the United States Attorney's Office for the Western District of Missouri, represented by United States Attorney Timothy A. Garrison and Assistant United States Attorney Steven M. Mohlhenrich, and the Public Integrity Section of the U.S. Department of Justice, Criminal Division, represented by Acting Chief AnnaLou Tirol and Trial Attorney Marco A. Palmieri (otherwise referred to as "the Government" or "the United States"), and the defendant, Jeremy Young Hutchinson ("the defendant"), represented by Nathan J. Muyskens, Esq., and Timothy Dudley, Esq. The defendant understands and agrees that this plea

agreement does not bind any other federal, state or local prosecution authority or any other government agency, unless otherwise specified in this agreement or any addendum thereto.

2. Defendant's Guilty Plea. The defendant agrees to and hereby does plead guilty to Count 1 of the First Superseding Indictment ("the Indictment"), charging him with a violation of **Title 18, United States Code, Section 371**, that is, **Conspiracy**. The defendant also agrees to forfeit to the United States the property described in the Forfeiture Allegation of the Indictment. By entering into this plea agreement, the defendant admits that he knowingly committed this offense, and is, in fact, guilty of this offense.

3. Settlement of Charges in Other Districts. This plea agreement is part of a "global" settlement of criminal investigations and prosecutions of the defendant in three districts: the Western District of Missouri, the Western District of Arkansas, and the Eastern District of Arkansas. While the charging and plea documents in each district set forth the details of the defendant's pleas in those districts, the essential terms of the agreement include this plea agreement, any supplement or addendum to this plea agreement that may exist, and the following:

a. In *United States v. Bontiea Bernedette Goss, et al.*, Western District of Missouri case number 19-03048-01/03-CR-S-BCW, defendant Hutchinson will plead guilty to Count 1 of the First Superseding Indictment, charging him with a violation of Title 18, United States Code,

Section 371, that is, conspiracy, and will admit the Forfeiture Allegation of the First Superseding Indictment.

b. In the Western District of Arkansas, defendant Hutchinson will waive indictment and consent to the filing of a felony information charging one count of conspiracy to commit federal funds bribery, in violation of Title 18, United States Code, Sections 371 and 666(a)(1)(B).

c. In *United States v. Jeremy Young Hutchinson*, Eastern District of Arkansas case number 4:18-CR-00450-KGB, defendant Hutchinson will plead guilty to Count 9 of the indictment, that is, to one count of willfully making and subscribing to a false income tax return, in violation of Title 26, United States Code, Section 7206(1).

d. The United States Attorneys for the Eastern District of Arkansas and Western District of Arkansas have agreed to approve defendant Hutchinson's request for the transfer of his Western District of Arkansas Case to the Eastern District of Arkansas for his guilty plea and sentencing, pursuant to Rule 20 of the Federal Rules of Criminal Procedure.

e. While the plea agreements in each district may contain stipulations regarding United States Sentencing Guidelines calculations, the parties retain the right to

argue for any lawful sentence, including an upward or downward departure or variance from the Sentencing Guidelines.

f. Based upon evidence in their possession at this time, as a part of the plea agreements, Western District of Missouri, Eastern District of Arkansas, Western District of Arkansas, and the Public Integrity Section of the U.S. Department of Justice, Criminal Division, agree to bring no further charges related the defendant's known criminal conduct for which they have venue, and at sentencing will dismiss as to this defendant the counts of the relevant indictments to which the defendant has not pleaded guilty.

4. Factual Basis for Guilty Plea. The parties agree that the facts constituting the offense to which the defendant is pleading guilty are as follows:

A. Persons and Entities

Defendant JEREMY YOUNG HUTCHINSON ("HUTCHINSON") served as a Senator in the Arkansas Senate from 2011 to 2018. HUTCHINSON was also an attorney during all times material to this Plea Agreement.

Preferred Family Healthcare, Inc. ("PFH") was a Missouri nonprofit corporation headquartered at 1111 South Glenstone Avenue, in Springfield, Greene County, Missouri, within the Western District of Missouri. PFH and its subsidiaries provided a variety

of services to individuals in Missouri and Arkansas, including mental and behavioral health treatment and counseling, substance abuse treatment and counseling, employment assistance, aid to individuals with developmental disabilities, and medical services. Originally, and for most of its existence, PFH was known as Alternative Opportunities, Inc. (“AO”), a Missouri nonprofit corporation formed on December 3, 1991. Effective May 1, 2015, AO merged with Preferred Family Healthcare, Inc., of Kirksville, Missouri, with the merged entity retaining the PFH name and corporate charter. (Hereinafter, “the Charity” shall refer to the entity known as Preferred Family Healthcare, Inc., after April 30, 2015, and Alternative Opportunities, Inc., prior to May 1, 2015.)

Bontiea Bernedette Goss (“B. Goss”) was the Charity’s Chief Operating Officer, and served as the chief administrator over personnel in all programs and services.

Tommy Ray Goss, also known as Tom Goss (“T. Goss”) was the Charity’s Chief Financial Officer.

Milton Russell Cranford, also known as “Rusty” Cranford (“Cranford”), was a lobbyist registered with the Arkansas Secretary of State. Cranford served as a high ranking executive with the Charity helping to oversee the Charity’s operations in the state of Arkansas.

Robin Raveendran (“Raveendran”) worked for the Charity from 2014 until 2017. During his employment with the Charity, Raveendran held the

titles of Executive Vice President, Director of Operations, and Analyst. Prior to his employment with the Charity, Raveendran was employed by the state of Arkansas as Director of Program Integrity for the Arkansas Department of Human Services, Division of Medical Services, and then as Business Operations Manager with the Office of the Medicaid Inspector General.

Alliance for Health Improvement, also known as Alliance for Health Care, also known as Alliance for Health Care Improvement (“Alliance”) was a private association formed in early 2014 by Raveendran, Cranford, and HUTCHINSON, to advocate for issues relevant to health care providers at the Arkansas state legislature and in state departments. In 2014, 2015, and 2016, the Charity made \$25,000 annual dues payments to Alliance even when other providers only paid annual membership dues of \$5,000 and \$10,000. HUTCHINSON, Cranford, and Raveendran received income directly from the membership dues paid by these providers. On or about December 29, 2017, Raveendran registered Alliance for Health Improvement as a nonprofit corporation with the Arkansas Secretary of State.

The Arkansas House consisted of 100 members (“Representatives” or “legislators”), each elected from a specific electoral district from across the state. The Arkansas Senate consisted of 35 members (“Senators” or “legislators”) each representing a specific electoral district.

An Arkansas Representative’s or Senator’s

duties included, but were not limited to: (a) investigating, studying, reporting, making recommendations, and amending or substituting measures or matters related to the jurisdiction of the House or Senate, or the Representative's or Senator's Committee; (b) scheduling and holding public hearings and meetings, summoning witnesses, and hearing testimony related to measures or matters within the jurisdiction of the House or Senate, or the Representative's or Senator's Committee; (c) drafting, filing, and voting on bills of law, resolutions, and substitute measures; and (d) appraising, approving, and overseeing budgets and the appropriation of state monies, including funds from the state of Arkansas' General Improvement Fund ("GIF").

Article 19, Section 20 of the Arkansas Constitution required that all Arkansas "Senators and Representatives, and all judicial and executive, State and county officers, and all other officers, both civil and military, before entering on the duties of their respective offices, shall take and subscribe to the following oath of office: 'I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of _____, upon which I am now about to enter.'" Arkansas House Representatives and Senators owe a fiduciary duty to provide honest services to the state of Arkansas and its citizens.

The Arkansas Department of Human Services ("ADHS") was an agency of the state of Arkansas that provided various services to individuals in the state of

Arkansas to include behavioral health services, which were provided through the Division of Behavioral Health Services (“DBHS”). Among the services it provided, DBHS administered a system of public mental health care and drug prevention and treatment throughout Arkansas. These services were provided through community mental health centers and specialty clinics which were established to provide points of entry into the public mental health system across the state of Arkansas.

Between 2012 and 2015, ADHS attempted to implement different healthcare initiatives in an attempt to increase accountability on healthcare providers and to lower healthcare costs, while maintaining quality healthcare for Arkansas citizens. Some of ADHS’s initiatives included, but were not limited to, the following:

- The Color Scorecard or “Scorecard” ADHS initiative was designed to grade healthcare providers on the effectiveness of services that were being provided.
- The Youth Outcomes Questionnaire (“YOQ”) was a questionnaire that was designed to be given to child patients and their families in an effort to measure the effectiveness of healthcare services being provided. Under ADHS’s initiative, the results received from the YOQs by healthcare providers, like the Charity, would be a factor in decisions by ADHS on whether to renew Arkansas State

contracts with healthcare providers. “Company G” was a rating company contracted by the state of Arkansas that was hired to administer the YOQ and “Scorecard” initiatives.

- Episodes of Care was a healthcare system designed to define specific treatment plans for particular clinical conditions or procedures based on best practices within the healthcare industry while still allowing physicians to treat the specific needs of patients. By encouraging providers to use the Episodes of Care system, ADHS sought to minimize excessive healthcare costs while still maintaining quality healthcare.
- Health Homes was a healthcare system designed to consolidate and coordinate mental and behavioral healthcare treatment, for applicable patients, into a single provider.

During each of the calendar years 2012 through 2017, Arkansas received benefits in excess of \$10,000 under federal programs involving grants, contracts, subsidies, loans, guarantees, insurance, and other forms of federal assistance.

B. The Government’s Proof

HUTCHINSON acknowledges and agrees that

the United States could prove the following facts and allegations at trial by competent evidence, establishing beyond a reasonable doubt that he is guilty of Count 1 of the Indictment:

(1) Object

From 2012 until 2017, in Greene County, Missouri, in the Western District of Missouri, and elsewhere, HUTCHINSON, B. Goss, T. Goss, Cranford, and Raveendran, knowingly and unlawfully conspired, confederated, and agreed together, and with each other, to corruptly give, offer, and agree to give, and for HUTCHINSON to corruptly solicit, demand, and accept, anything of value to any person, intending to influence and reward HUTCHINSON in connection with a business, transaction, and series of transactions of the state of Arkansas involving \$5,000 or more, in violation of Title 18, United States Code, Sections 666(a)(1)(B) and 666(a)(2).

(2) Manner and Means

The manner and means by which the conspirators achieved and attempted to achieve the objects of the conspiracy included:

- B. Goss, T. Goss, and Cranford caused the Charity to provide public officials, including HUTCHINSON, with travel and entertainment not reported on its IRS Forms 990, including hotel accommodations and use of the Charity's luxury and recreational real estate.

- B. Goss and Cranford caused the Charity to hire HUTCHINSON and pay him a monthly retainer, in exchange for HUTCHINSON agreeing to take, and taking, legislative and official action favorable to the Charity, B. Goss, T. Goss, and Cranford.
- B. Goss, Cranford and Raveendran caused the Charity to pay Charity funds to Alliance, and then directed Alliance funds to HUTCHINSON, in exchange for HUTCHINSON agreeing to take, and taking, legislative and official action favorable to the Charity, B. Goss, T. Goss, Cranford, and others.
- In exchange for the things of value provided by B. Goss, T. Goss, Cranford, Raveendran, and the Charity, HUTCHINSON agreed to take, and did take, favorable legislative and official action on behalf of the Charity, B. Goss, T. Goss, Cranford and others, including but not limited to: holding up agency budgets; initiating legislative audits; sponsoring, filing, and voting for legislation, including shell bills; and pressuring and advising other public officials to perform official action on behalf of the Charity, B. Goss, T. Goss, Cranford, and others.
- B. Goss, T. Goss, Cranford, Raveendran,

and HUTCHINSON concealed, covered up, and falsified evidence of their theft, embezzlement, and intentional misapplication of the Charity's funds, and their payment and acceptance of bribes by falsely describing such unlawful payments as being solely for attorney's fees and legal retainers.

(3) Overt Acts

In furtherance of the conspiracy, and to accomplish its objects, HUTCHINSON, B. Goss, T. Goss, Cranford, and Raveendran, committed the following overt acts, among others, in the Western District of Missouri and elsewhere:

B. Goss, T. Goss, and Cranford Offered and Gave Things of Value to HUTCHINSON

- From 2012 to 2017, B. Goss and Cranford offered and gave, directly and indirectly, cash; checks; wire transfers; retainers; attorney's fees; and professional referrals to HUTCHINSON in exchange for HUTCHINSON taking legislative and official action favorable to the Charity, Cranford, Cranford Clients, and others, including but not limited to, holding up agency budgets; requesting legislative audits; sponsoring, filing, amending, and voting on legislation; and supporting the award of GIF funds to the Charity, Cranford clients, and others.

- On March 19, 2013, T. Goss e-mailed Cranford, stating, in part, “Rusty I have the tickets and hotel for the Senator.” The e-mail referred to HUTCHINSON.
- Between in or about January 2013 and in or about March 2013, Cranford assisted and facilitated the hiring of HUTCHINSON by the Charity, by in or about February 2013, arranging for a meeting between B. Goss and HUTCHINSON to discuss his hiring by the Charity.
- In or about March 2013, Cranford met with B. Goss and discussed the potential hiring of HUTCHINSON by the Charity. Cranford and B. Goss specifically discussed hiring HUTCHINSON, in part, because of his status as an Arkansas Senator and because of the favorable legislative and official acts HUTCHINSON could perform on behalf of the Charity.
- In or about April 2013, as a benefit to HUTCHINSON, B. Goss caused the Charity to hire HUTCHINSON, purportedly to provide legal services, at the rate of \$7,500 a month. In or about May 2014, and until in or about 2017, B. Goss caused the Charity to pay HUTCHINSON \$9,000 per month. In total, HUTCHINSON was paid more

than \$350,000 in Charity funds.

- In or about 2013, T. Goss and Cranford offered and facilitated the giving of Charity-paid-for hotel rooms for the purpose of attending Major League Baseball games to HUTCHINSON, which he accepted.
- In or about 2015, “Accounting Firm A” conducted its annual audit of the Charity. In response to questions from Accounting Firm A, “Employee F” e-mailed T. Goss on October 21, 2015, the following:

Auditors want to send a legal letter to Jeremy Hutchinson to confirm no pending or threatening litigation with PFH that could be potential liability. This is standard practice for the auditors and we send them to multiple law firm[s]. They are looking for a contact email for Jeremy for him to prepare the letter; however his phones are disconnected? Do you all have an email address for him they can send the confirmation to?

To conceal the conspiracy and fraudulent scheme, and specifically that HUTCHINSON was being paid, in part, in exchange for taking favorable legislative and official action, T. Goss responded on the same day, October 21, 2015:

“[Cranford] will. [HUTCHINSON] doesn't work for us in a legal capacity though. He is a consultant. There is no need for the letter since he doesn't provide legal services.”

- To conceal the unlawful nature of the payments to HUTCHINSON, on July 5, 2016, HUTCHINSON and B. Goss executed an engagement letter between HUTCHINSON and the Charity, which states HUTCHINSON could not locate the original contract between HUTCHINSON and the Charity, which was false in that the post hoc engagement letter was created to make the payments to Hutchinson appear to be solely for attorney's services. The same day, B. Goss sent an e-mail to attorneys retained by the Charity in relation to the investigation by federal law enforcement officials, and stated, amongst other things, that the original engagement letter between the Charity and HUTCHINSON could not be located and attached the July 5, 2016, engagement letter.

Cranford and Raveendran Paid Charity Funds to HUTCHINSON through Alliance

- Though no corporate entity by the name of ALLIANCE FOR HEALTHCARE IMPROVEMENT was incorporated by Raveendran at the time, on or about

April 2, 2014, Raveendran opened an account in the name “ALLIANCE HEALTH CARE IMPR” at Arkansas Employees Federal Credit Union in Little Rock, Arkansas (“the Alliance account”), as the sole signatory, and deposited check #042742 from the Charity for \$25,000 into that account.

- On or about April 16, 2015, check #055272, drawn on the Charity’s MNB account ending 8747, in the amount of \$25,000, was issued to “ALLIANCE FOR HEALTH IMPROVEM[E]NT.” On or about April 17, 2015, Raveendran deposited this check into the Alliance account.
- On or about April 17, 2015, Raveendran issued check #1014, dated April 18, 2015, in the amount of \$8,125, drawn on the Alliance account, to HUTCHINSON. On or about the same day, HUTCHINSON deposited the check into his Arvest Bank account ending 7635.
- On or about January 27, 2016, check #67259, in the amount of \$25,000, was issued to “ALLIANCE FOR HEALTH IMPROVEM[E]NT” from the Charity’s account at OakStar Bank ending in 3560.
- On or about December 29, 2017, Raveendran registered Alliance for

Health Improvement with the Arkansas Secretary of State as a nonprofit corporation.

In Exchange for monetary payments to him and other things of value, HUTCHINSON Agreed to Take, and Did Take, Favorable Legislative and Official Action on Behalf of Raveendran, the Charity, B. Goss, T. Goss, Cranford, and Others

SB 932 and HB 1540

- On or about March 4, 2015, Raveendran sent an e-mail from his Alliance email account to HUTCHINSON and Cranford stating:

Hi Jeremy

We need to file a shell bill to take care of this issue, it may be possible we should be able to work this out with Workforce, however, ju[s]t to protect us we want to a shell bill.

Let me know if you need additional information.

Thanks

The body of the e-mail contained a summary analysis of the issues surrounding the legal definition of an “independent contractor” and “employee” in Arkansas. It also suggested a

specific revision to Arkansas Code Annotated § 11-10-210(e) to remedy the issues in a manner favorable to healthcare providers.

- On or about March 7, 2015, HUTCHINSON filed Senate Bill 932 (“SB 932”) in the 90th General Assembly Regular Session in 2015. The bill was a shell bill entitled “An Act to Amend the Law Concerning the Definition of ‘Independent Contractor’; and for Other Purposes.”
- House Bill 1540 (“HB 1540”), filed later in March 2015, contained statutory language advantageous to the providers, like the Charity and other members of Alliance, similar to that proposed by Raveendran in his March 4, 2015, e-mail to HUTCHINSON. On or about March 26, 2015, HUTCHINSON voted in favor of HB 1540.

Other Legislative and Official Acts

- Between in or about 2014 and in or about 2015, the Arkansas Department of Human Services (“ADHS”) attempted to implement different healthcare initiatives including, but not limited to, the Episodes of Care (collectively, the “ADHS Initiatives”). B. Goss, T. Goss, Cranford, Raveendran and others believed ADHS Initiatives, like the

Episodes of Care, would negatively impact the Charity and others by increasing costs to the Charity and by limiting the amount of revenue the Charity and others would be able to make.

- Between in or about 2014 and in or about 2015, because HUTCHINSON was being paid money from Alliance and the Charity, through Alliance, HUTCHINSON, through Raveendran's direction, agreed to: (1) promote the Charity's, Alliance's, and others' position on the ADHS Initiatives, including the Episodes of Care, in the Arkansas legislature, including, but not limited to, in committees, task force meetings, or with other legislators to the extent he was able; and (2) advise, pressure, and persuade other Arkansas legislators to support the Charity's, Alliance's, and others' position on the ADHS Initiatives, including the Episodes of Care, including persuading the Arkansas House and Senate leadership to review proposals by the Alliance and to support them through legislative and official action.

C. Defendant's Plea to Count 1

HUTCHINSON admits and acknowledges that from 2012 until 2017, in Greene County, Missouri, in the Western District of Missouri, and elsewhere, he, B.

Goss, T. Goss, Cranford, and Raveendran, knowingly and unlawfully conspired, confederated, and agreed together, and with each other, to corruptly give, offer, and agree to give, and for HUTCHINSON to corruptly solicit, demand, and accept, anything of value to any person, intending to influence and reward HUTCHINSON in connection with a business, transaction, and series of transactions of the state of Arkansas involving \$5,000 or more, in violation of Title 18, United States Code, Sections 371, 666(a)(1)(B), and 666(a)(2).

HUTCHINSON specifically acknowledges that he understood B. Goss hired him as outside counsel for the Charity primarily because of his position as an elected public official, that B. Goss, Cranford, and Raveendran repeatedly asked him to move the Charity's agenda forward in the Arkansas Senate, and that as part of his arrangement with the Charity, HUTCHINSON, at the direction of B. Goss, Cranford, and Raveendran, pushed the Charity's agenda forward via official acts such as holding up agency budgets and drafting and voting on legislation, including amendments.

HUTCHINSON further admits and acknowledges that to legitimize and conceal this arrangement, he performed legal work for the Charity during the time of this financial arrangement. While some of this legal work was in fact completed, HUTCHINSON would have never been hired as the Charity's counsel had it not been for his official position. HUTCHINSON further admits and acknowledges that the July 5, 2016 "engagement

letter” he and B. Goss executed was intended to conceal the unlawful nature of the payments to HUTCHINSON by making the payments to Hutchinson appear to be solely for attorney’s services, when in truth and in fact a significant purpose of the payments was to influence and reward HUTCHINSON for his official actions benefitting the Charity.

D. Defendant’s Admission of the Forfeiture Allegation

From 2012 until 2017, HUTCHINSON received funds and other things of value from the Charity, B. Goss, T. Goss, Cranford, Raveendran, and the Alliance, in order influence and reward him in connection with a business, transaction, and series of transactions of the state of Arkansas. HUTCHINSON agrees to the entry of a forfeiture money judgement against him in an amount to be determined in connection with the sentencing of this matter, which amount the parties reserve the right to litigate.

5. Use of Factual Admissions and Relevant Conduct. The defendant acknowledges, understands and agrees that the admissions contained in paragraph 3 and other portions of this plea agreement will be used for the purpose of determining his guilt and advisory sentencing range under the United States Sentencing Guidelines (“U.S.S.G.”), including the calculation of the defendant’s offense level in accordance with U.S.S.G. § 1B1.3(a)(2). The defendant acknowledges, understands and agrees that all other uncharged, related criminal activity, may be considered as “relevant conduct” pursuant to U.S.S.G.

§ 1B1.3(a)(2) in calculating the offense level for the charge to which he is pleading guilty.

6. Statutory Penalties. The defendant understands that, upon his plea of guilty to Count 1 of the Indictment, charging him with violation of **18 U.S.C. § 371**, that is, **Conspiracy**, the maximum penalties the Court may impose are 5 years' imprisonment, 3 years' supervised release, a fine of \$250,000 (or twice the amount of the gross gain or gross loss, whichever is greater), an order of restitution, and a \$100 mandatory special assessment, which must be paid in full at the time of sentencing. The defendant further understands that this offense is a Class D felony.

7. Sentencing Procedures. The defendant acknowledges, understands and agrees to the following:

a. In determining the appropriate sentence, the Court will consult and consider the United States Sentencing Guidelines promulgated by the United States Sentencing Commission; these Guidelines, however, are advisory in nature, and the Court may impose a sentence either less than or greater than the defendant's applicable Guidelines range, unless the sentence imposed is "unreasonable."

b. The Court will determine the defendant's applicable Sentencing

Guidelines range at the time of sentencing.

c. In addition to a sentence of imprisonment, the Court may impose a term of supervised release of up to three years; the Court must impose a period of supervised release if a sentence of imprisonment of more than one year is imposed.

d. If the defendant violates a condition of his supervised release, the Court may revoke his supervised release and impose an additional period of imprisonment of up to two years without credit for time previously spent on supervised release. In addition to a new term of imprisonment, the Court also may impose a new period of supervised release, the length of which cannot exceed three years, less the term of imprisonment imposed upon revocation of the defendant's first supervised release.

e. The Court may impose any sentence authorized by law, including a sentence that is outside of, or departs from, the applicable Sentencing Guidelines range.

f. Any sentence of imprisonment imposed by the Court will not allow for

parole.

g. The Court is not bound by any recommendation regarding the sentence to be imposed or by any calculation or estimation of the Sentencing Guidelines range offered by the parties or the United States Probation Office.

h. The defendant may not withdraw his guilty plea solely because of the nature or length of the sentence imposed by the Court.

i. The defendant agrees that the United States may institute civil, judicial or administrative forfeiture proceedings against all forfeitable assets in which the defendant has an interest, and that he will not contest any such forfeiture proceedings.

j. The defendant agrees to forfeit all interests he owns or over which he exercises control, directly or indirectly, in any asset that is subject to forfeiture to the United States either directly or as a substitute for property that was subject to forfeiture but is no longer available for the reasons set forth in 21 U.S.C. § 853(p) (which is applicable to this action pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)). With respect to any asset which the defendant has agreed to

forfeit, the defendant waives any 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 that the forfeiture constitutes an excessive fine or punishment under the Eighth Amendment to the United States Constitution.

k. The defendant agrees to fully and truthfully disclose the existence, nature and location of all assets forfeitable to the United States, either directly or as a substitute asset, in which he and his co-conspirators have or had any direct or indirect financial interest, or exercise or exercised control, directly or indirectly, during the period from **2012** to the present. The defendant also agrees to fully and completely assist the United States in the recovery and forfeiture of all such forfeitable assets.

l. The defendant agrees to take all necessary steps to comply with the forfeiture matters set forth herein before his sentencing.

m. Within 10 days of the execution of this plea agreement, at the request of the USAO, the defendant agrees to execute and submit: (1) a Tax

Information Authorization form; (2) an Authorization to Release Information; (3) a completed financial disclosure statement; and (4) copies of financial information that the defendant submits to the U.S. Probation Office. The defendant understands that the United States will use the financial information when making its recommendation to the Court regarding the defendant's acceptance of responsibility.

8. Government's Agreements. Based upon evidence in its possession at this time, the United States, as part of this plea agreement, agrees not to bring any additional charges against the defendant for any federal criminal offenses related to the crimes charged in the Indictment for which it has venue and which arose out of the defendant's conduct described above. Additionally, the United States Attorney for the Western District of Missouri agrees to dismiss as to HUTCHINSON only, Counts 2 through 4, 8, 13 through 17, 19, and 20 of the First Superseding Indictment, and the original Indictment in its entirety, at sentencing.

The defendant understands that this plea agreement does not foreclose any prosecution for an act of murder or attempted murder, an act or attempted act of physical or sexual violence against the Person of another, or a conspiracy to commit any such acts of violence or any criminal activity of which the United States has no knowledge.

The defendant recognizes that the United States' agreement to forego prosecution of all of the criminal offenses with which the defendant might be charged is based solely on the promises made by the defendant in this agreement. If the defendant breaches this plea agreement, the United States retains the right to proceed with the original charges and any other criminal violations established by the evidence. The defendant expressly waives his right to challenge the initiation of the dismissed or additional charges against him if he breaches this agreement. The defendant expressly waives his right to assert a statute of limitations defense if the dismissed or additional charges are initiated against him following a breach of this agreement. The defendant further understands and agrees that, if the United States elects to file additional charges against him following his breach of this plea agreement, he will not be allowed to withdraw his guilty plea.

9. Preparation of Presentence Report. The defendant understands the United States will provide to the Court and the United States Probation Office a government version of the offense conduct. This may include information concerning the background, character and conduct of the defendant, including the entirety of his criminal activities. The defendant understands these disclosures are not limited to the count to which he has pleaded guilty. The United States may respond to comments made or positions taken by the defendant or the defendant's counsel, and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the

disposition of this case, subject only to any limitations set forth in this plea agreement. The United States and the defendant expressly reserve the right to speak to the Court at the time of sentencing pursuant to Rule 32(i)(4) of the Federal Rules of Criminal Procedure.

10. Withdrawal of Plea. Either party reserves the right to withdraw from this plea agreement for any or no reason at any time prior to the entry of the defendant's plea of guilty and its formal acceptance by the Court. In the event of such withdrawal, the parties will be restored to their pre-plea agreement positions to the fullest extent possible. However, after the plea has been formally accepted by the Court, the defendant may withdraw his plea of guilty only if the Court rejects the plea agreement, or if the defendant can show a fair and just reason for requesting the withdrawal. The defendant understands that, if the Court accepts his plea of guilty and this plea agreement but subsequently imposes a sentence that is outside the defendant's applicable Sentencing Guidelines range, or imposes a sentence that the defendant does not expect, like or agree with, he will not be permitted to withdraw his plea of guilty.

11. Agreed Guidelines Applications. With respect to the application of the Sentencing Guidelines to this case, the parties stipulate and agree as follows:

a. The Sentencing Guidelines do not bind the Court and are advisory in nature. The Court may impose a sentence that is either above or below the defendant's applicable Guidelines range,

provided the sentence imposed is not “unreasonable.”

b. The applicable Guidelines section is U.S.S.G. § 2C1.1(a)(1), which provides for a **base offense level of 14**.

c. Pursuant to U.S.S.G. § 2C1.1(b)(1), a **2-level enhancement** applies, because the offense involved more than one bribe.

d. Pursuant to U.S.S.G. § 2C1.1(b)(2), and U.S.S.G. § 2B1.1(b)(1), an enhancement will apply. **Both the United States and the defendant reserve the right to advocate their respective positions regarding the amount of the enhancement.**

e. Pursuant to U.S.S.G. § 2C1.1(b)(3), a **4-level enhancement** applies, because the offense involved an elected public official.

f. The defendant has admitted his guilt and clearly accepted responsibility for his actions, and has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the Government to avoid preparing for trial and permitting

the Government and the Court to allocate their resources efficiently. Therefore, he is entitled to a **three-level reduction** pursuant to § 3E1.1(b) of the Sentencing Guidelines. The Government, at the time of sentencing, will file a written motion with the Court to that effect, unless the defendant (1) fails to abide by all of the terms and conditions of this plea agreement, any supplement thereto, and his pretrial release; or (2) attempts to withdraw his guilty plea, violates the law, or otherwise engages in conduct inconsistent with his acceptance of responsibility.

g. The defendant appears to have a **criminal history category of I**. The parties agree that the Court will determine his applicable criminal history category after receipt of the presentence investigation report prepared by the United States Probation Office.

h. The defendant understands that the estimate of the parties with respect to the Guidelines computation set forth in the subsections of this paragraph does not bind the Court or the United States Probation Office with respect to the appropriate Guidelines levels. Additionally, the failure of the Court to accept these stipulations will not, as outlined in paragraph 9 of this plea

agreement, provide the defendant with a basis to withdraw his plea of guilty.

i. The defendant understands that the Court may impose any sentence authorized by law, including any sentence outside the applicable Guidelines range that is not “unreasonable.” **Both the United States and the defendant reserve the right to argue for any lawful sentence, including a sentence outside the Guidelines range.**

j. The defendant consents to judicial fact-finding by a preponderance of the evidence for all issues pertaining to the determination of the defendant’s sentence, including the determination of any mandatory minimum sentence (including the facts that support any specific offense characteristic or other enhancement or adjustment), and any legally authorized increase above the normal statutory maximum. The defendant waives any right to a jury determination beyond a reasonable doubt of all facts used to determine and enhance the sentence imposed, and waives any right to have those facts alleged in the Indictment. The defendant also agrees that the Court, in finding the facts relevant to the imposition of sentence, may consider any reliable

information, including hearsay.

k. The defendant understands and agrees that the factual admissions contained in paragraph 3 of this plea agreement, and any admissions that he will make during his plea colloquy, support the imposition of the agreed upon Guidelines calculations contained in this agreement.

12. Effect of Non-Agreement on Guidelines Applications. The parties understand, acknowledge and agree that there are no agreements between the parties with respect to any Sentencing Guidelines issues other than those specifically listed in paragraph 10 and its subsections. As to any other Guidelines issues, the parties are free to advocate their respective positions at the sentencing hearing.

13. Change in Guidelines Prior to Sentencing. The defendant agrees that, if any applicable provision of the Guidelines changes after the execution of this plea agreement, then any request by the defendant to be sentenced pursuant to the new Guidelines will make this plea agreement voidable by the United States at its option. If the Government exercises its option to void the plea agreement, the United States may charge, reinstate, or otherwise pursue any and all criminal charges that could have been brought but for this plea agreement.

14. Government's Reservation of Rights. The defendant understands that the United States

expressly reserves the right in this case to:

a. oppose or take issue with any position advanced by the defendant at the sentencing hearing which might be inconsistent with the provisions of this plea agreement;

b. comment on the evidence supporting the charges in the Indictment;

c. oppose any arguments and requests for relief the defendant might advance on an appeal from the sentences imposed, and that the United States remains free on appeal or collateral proceedings to defend the legality and propriety of the sentence actually imposed, even if the Court chooses not to follow any recommendation made by the United States; and

d. oppose any post-conviction motions for reduction of sentence, or other relief.

15. Waiver of Constitutional Rights. The defendant, by pleading guilty, acknowledges that he has been advised of, understands, and knowingly and voluntarily waives the following rights:

a. the right to plead not guilty and to persist in a plea of not guilty;

b. the right to be presumed innocent until his guilt has been established beyond a reasonable doubt at trial;

c. the right to a jury trial, and at that trial, the right to the effective assistance of counsel;

d. the right to confront and cross-examine the witnesses who testify against him;

e. the right to compel or subpoena witnesses to appear on his behalf; and

f. the right to remain silent at trial, in which case his silence may not be used against him.

The defendant understands that, by pleading guilty, he waives or gives up those rights and that there will be no trial. The defendant further understands that, if he pleads guilty, the Court may ask him questions about the offense to which he pleaded guilty, and if the defendant answers those questions under oath and in the presence of counsel, his answers may later be used against him in a prosecution for perjury or making a false statement. The defendant also understands that he has pleaded guilty to a felony offense and, as a result, will lose his right to possess a firearm or ammunition and might be deprived of other rights, such as the right to vote or register to vote, hold public office, or serve on a jury.

16. Waiver of Appellate and Post-Conviction Rights.

a. The defendant acknowledges, understands and agrees that, by pleading guilty pursuant to this plea agreement, he waives his right to appeal or collaterally attack a finding of guilt following the acceptance of this plea agreement, except on grounds of (1) ineffective assistance of counsel; or (2) prosecutorial misconduct; and

b. The defendant expressly waives his right to appeal his sentence, directly or collaterally, on any ground except claims of: (1) ineffective assistance of counsel; (2) prosecutorial misconduct; or (3) a sentence imposed in excess of the statutory maximum. However, if the United States exercises its right to appeal the sentence imposed as authorized by 18 U.S.C. § 3742(b), the defendant is released from this waiver and may, as part of the Government's appeal, cross-appeal his sentence as authorized by 18 U.S.C. § 3742(a) with respect to any issues that have not been stipulated to or agreed upon in this agreement.

17. Waiver of Venue. The defendant waives any challenge to venue in the Western District of Missouri.

18. **Discovery Waiver.** The defendant waives the right to any further discovery or disclosures of information not already provided at the time of the entry of the guilty plea, other than information required to be disclosed under Federal Rule of Criminal Procedure 32(i)(2) and exculpatory or impeachment information casting doubt upon sentencing factors.

19. **Financial Obligations.** By entering into this plea agreement, the defendant represents that he understands and agrees to the following financial obligations:

a. The Court may order restitution to the victims of the offense to which the defendant is pleading guilty. The defendant agrees that the Court may order restitution in connection with the conduct charged in any counts of the indictment which are to be dismissed and all other uncharged, related criminal activity.

b. The United States may use the Federal Debt Collection Procedures Act and any other remedies provided by law to enforce any restitution order that may be entered as part of the sentence in this case and to collect any fine.

c. The defendant will fully and truthfully disclose all assets and property in which he has any interest, or over

which the defendant exercises control, directly or indirectly, including assets and property held by a spouse, nominee or other third party. The defendant's disclosure obligations are ongoing, and are in force from the execution of this agreement until the defendant has satisfied the restitution order in full.

d. Within ten (10) days of the execution of this plea agreement, at the request of the USAO, the defendant agrees to execute and submit: (1) a Tax Information Authorization form; (2) an Authorization to Release Information; (3) a completed financial disclosure statement; and (4) copies of financial information that the defendant submits to the U.S. Probation Office. The defendant understands that the United States will use the financial information when making its recommendation to the Court regarding the defendant's acceptance of responsibility.

e. At the request of the USAO, the defendant agrees to undergo any polygraph examination the United States might choose to administer concerning the identification and recovery of forfeitable assets and restitution.

f. The defendant hereby authorizes the USAO to obtain a credit report

pertaining to him to assist the USAO in evaluating the defendant's ability to satisfy any financial obligations imposed as part of the sentence.

g. The defendant understands that a Special Assessment will be imposed as part of the sentence in this case. The defendant promises to pay the Special Assessment of **\$100** by submitting a satisfactory form of payment to the Clerk of the Court prior to appearing for the sentencing proceeding in this case. The defendant agrees to provide the Clerk's receipt as evidence of his fulfillment of this obligation at the time of sentencing.

h. The defendant certifies that he has made no transfer of assets or property for the purpose of: (1) evading financial obligations created by this Agreement; (2) evading obligations that may be imposed by the Court; or (3) hindering efforts of the USAO to enforce such financial obligations. Moreover, the defendant promises that he will make no such transfers in the future.

i. In the event the United States learns of any misrepresentation in the financial disclosure statement, or of any asset in which the defendant had an interest at the time of this plea agreement that is not disclosed in the

financial disclosure statement, and in the event such misrepresentation or nondisclosure changes the estimated net worth of the defendant by ten thousand dollars (\$10,000.00) or more, the United States may at its option: (1) choose to be relieved of its obligations under this plea agreement; or (2) let the plea agreement stand, collect the full forfeiture, restitution and fines imposed by any criminal or civil judgment, and also collect 100% (one hundred percent) of the value of any previously undisclosed assets. The defendant agrees not to contest any collection of such assets. In the event the United States opts to be relieved of its obligations under this plea agreement, the defendant's previously entered plea of guilty shall remain in effect and cannot be withdrawn.

20. Waiver of FOIA Request. The defendant waives all of his rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case including, without limitation, any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act of 1974, 5 U.S.C. § 552a.

21. Waiver of Claim for Attorney's Fees. The defendant waives all of his claims under the Hyde Amendment, 18 U.S.C. § 3006A, for attorney's fees and

other litigation expenses arising out of the investigation or prosecution of this matter.

22. Defendant's Breach of Plea Agreement.

If the defendant commits any crimes, violates any conditions of release, or violates any term of this plea agreement between the signing of this plea agreement and the date of sentencing, or fails to appear for sentencing, or if the defendant provides information to the Probation Office or the Court that is intentionally misleading, incomplete or untruthful, or otherwise breaches this plea agreement, the United States will be released from its obligations under this agreement. The defendant, however, will remain bound by the terms of the agreement, and will not be allowed to withdraw his plea of guilty.

The defendant also understands and agrees that, in the event he violates this plea agreement, all statements made by him to law enforcement agents subsequent to the execution of this plea agreement, any testimony given by him before a grand jury or any tribunal, or any leads from such statements or testimony, shall be admissible against him in any and all criminal proceedings. The defendant waives any rights that he might assert under the United States Constitution, any statute, Rule 11(f) of the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal rule that pertains to the admissibility of any statements made by him subsequent to this plea agreement.

23. Defendant's Representations. The defendant acknowledges that he has entered into this

plea agreement freely and voluntarily after receiving the effective assistance, advice and approval of counsel. The defendant acknowledges that he is satisfied with the assistance of counsel, and that counsel has fully advised him of his rights and obligations in connection with this plea agreement. The defendant further acknowledges that no threats or promises, other than the promises contained in this plea agreement, have been made by the United States, the Court, his attorneys, or any other party to induce him to enter his plea of guilty.

24. No Undisclosed Terms. The United States and the defendant acknowledge and agree that the above stated terms and conditions, together with any written supplemental agreement that might be presented to the Court in camera, constitute the entire plea agreement between the parties, and that any other terms and conditions not expressly set forth in this agreement or any written supplemental agreement do not constitute any part of the parties' agreement and will not be enforceable against either party.

25. Standard of Interpretation. The parties agree that, unless the constitutional implications inherent in plea agreements require otherwise, this plea agreement should be interpreted according to general contract principles and the words employed are to be given their normal and ordinary meanings. The parties further agree that, in interpreting this agreement, any drafting errors or ambiguities are not to be automatically construed against either party, whether or not that party was involved in drafting or

modifying this agreement.

TIMOTHY A. GARRISON
United States Attorney,
Western District of Missouri

Dated: *6/25/2019*

By: */s/ Steven M. Mohlhenrich*
STEVEN M. MOHLHENRICH
Assistant United States Attorney

ANNALOU TIROL
Acting Chief, Public Integrity
Section

Dated: *6/25/2019*

By: */s/ Marco A. Palmieri*
MARCO A. PALMIERI
Trial Attorney

I have consulted with my attorneys and fully understand all of my rights with respect to the offense charged in the Indictment. Further, I have consulted with my attorneys and fully understand my rights with respect to the provisions of the Sentencing Guidelines. I have read this plea agreement and carefully reviewed every part of it with my attorneys. I understand this plea agreement and I voluntarily agree to it.

Dated: 6/25/2019

/s/ Jeremy Young Hutchinson
JEREMY YOUNG HUTCHINSON
Defendant

We are defendant Jeremy Young Hutchinson's attorneys. We have fully explained to him his rights with respect to the offense charged in the Indictment. Further, we have reviewed with him the provisions of the Sentencing Guidelines that might apply in this case. We have carefully reviewed every part of this plea agreement with him. To our knowledge, Jeremy Young Hutchinson's decision to enter into this plea agreement is an informed and voluntary one.

Dated: _____

NATHAN J. MUYSKENS
Attorney for Defendant

Dated: 6/25/2019

/s/ Timothy Dudley
TIMOTHY DUDLEY
Attorney for Defendant

APPENDIX H

(c) Plea Agreement Procedure.

(1) *In General.* An attorney for the government and the defendant's attorney, or the defendant when proceeding pro se, may discuss and reach a plea agreement. The court must not participate in these discussions. If the defendant pleads guilty or nolo contendere to either a charged offense or a lesser or related offense, the plea agreement may specify that an attorney for the government will:

(A) not bring, or will move to dismiss, other charges;

(B) recommend, or agree not to oppose the defendant's request, that a particular sentence or sentencing range is appropriate or that a particular provision of the Sentencing Guidelines, or policy statement, or sentencing factor does or does not apply (such a recommendation or request does not bind the court); or

(C) agree that a specific sentence or sentencing range is the appropriate disposition of the case, or that a particular provision of the Sentencing Guidelines, or policy statement, or sentencing factor does or does not apply (such a recommendation or request binds

the court once the court accepts the plea agreement). Federal Rule of Criminal Procedure 11(c)(1)