



he defrauded in connection with mortgage backed and related investments.

3. The Defendant agrees to provide the United States Probation Office and the United States Attorney's Office with a signed, sworn financial statement, which accurately reflects the Defendant's financial condition, within two weeks after entering the plea contemplated by this agreement. The Defendant further agrees that this financial statement will be made in a form provided by or acceptable to the United States Attorney. Additionally, the Defendant will give the United States Attorney's Office and the Probation Office full access to the Defendant's bank and other financial records and does now waive any rights to financial privacy that the Defendant may have under federal or state statutes or regulations.

4. The Defendant further agrees to sign any Internal Revenue Service form or other form presented by the Government in order for the Government to have access to all of the Defendant's income tax returns, including personal, corporations, or trusts to which the Defendant may have participated in or signed. The Defendant acknowledges that failure to provide an accurate financial statement and tax return information within the time noted is a violation of this Plea Agreement and will be a basis for the United States Attorney to move to set aside the plea.

C. THE GOVERNMENT'S OBLIGATIONS

1. If the Defendant completely fulfills all of his obligations under this plea agreement, the Government agrees to dismiss the remaining Count of the Indictment after sentencing and it will not prosecute the Defendant for any other offense known to the United States Attorney's Office, based on the investigation which forms the basis of the Indictment.

2. The Government will and hereby moves pursuant to U.S.S.G. § 3E1.1(b) for the Defendant to receive a one point reduction in his offense level should that offense level be 16 or

greater, as the Defendant 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.

D. SENTENCING

WILLIAM EVERETT NICHOLS understands and agrees that:

1. the maximum punishment on Count 2 is a term of imprisonment of not more than thirty (30) years, or a fine of not more than \$1,000,000, or both (pursuant to 18 U.S.C. §1344);
2. he shall be required to pay a special assessment of \$100 **at the time of the guilty plea** by means of a cashier's check, bank official check, or money order payable to "Clerk, U.S. District Court;"
3. he may receive a term of Supervised Release of not less than three (3) years nor more than five (5) years in length in addition to any term of imprisonment imposed by the Court;
4. a violation of any condition of Supervised Release at any time during the period of Supervised Release may result in the Defendant being incarcerated over and above any period of imprisonment initially ordered by the Court;
5. the period of incarceration for a violation of a condition of Supervised Release could be as much as the full term of Supervised Release initially ordered by the Court regardless of the amount of time of the Supervised Release the Defendant had successfully completed;
6. in addition to the penalties set forth in the preceding paragraphs, the Court must order restitution in this case and the Defendant agrees that restitution in this case is not limited to the amounts or victims referred to in the specific charge to which he has pled guilty and will be

determined by the Court after a complete review of the evidence developed in the investigation of this case by the Government and further investigation by the Probation Office as contained in the Presentence Report;

7. restitution shall include amounts owned to the individual investors referenced in Section B, paragraph 2 above;

8. any fine and/or restitution imposed as part of the Defendant's sentence will be made due and payable immediately, that the Defendant will be held liable for all restitution jointly and severally with all co-defendants, and any federal income tax refund received by the Defendant from the Internal Revenue Service while there is an outstanding fine and/or restitution shall be applied toward the fine and/or restitution award;

9. as part of the presentence investigation the Government will make available to the Court all evidence developed in the investigation of this case;

10. this case is governed by the Sentencing Reform Act, as modified by United States v. Booker, 543 U.S. 220 (2005), that he has discussed the Sentencing Guidelines and their applicability with his counsel, and understands and acknowledges that a final determination of the applicable guidelines range cannot be made until the completion of the presentence investigation;

11. the sentencing judge alone will decide what sentence to impose; and

12. the failure of the Court to adhere to a sentencing recommendation tendered by counsel shall not be a basis for setting aside the guilty plea which is the subject of this agreement.

F. REINSTATEMENT OF ORIGINAL INDICTMENT

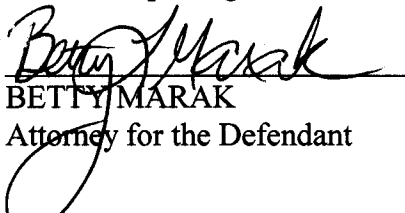
1. WILLIAM EVERETT NICHOLS understands and agrees that should this plea be overturned for any reason at a later date, the Indictment, in its entirety, will be automatically

reinstated without need for presentment to a Grand Jury or any motion or other action by the Government.

G. SIGNATURE OF ATTORNEY FOR THE DEFENDANT, THE DEFENDANT, AND THE ATTORNEY FOR THE GOVERNMENT

I have read this plea agreement and have discussed it fully with my client, WILLIAM EVERETT NICHOLS. It accurately and completely sets forth the entire plea agreement. I concur in WILLIAM EVERETT NICHOLS pleading guilty as set forth in this plea agreement.

Dated: 11/6/09

  
BETTY MARAK  
Attorney for the Defendant

I have read this plea agreement and have discussed it with my attorney. I fully understand the plea agreement and accept and agree to it without reservation. I do this voluntarily and of my own free will. No threats have been made to me, nor am I under the influence of anything that could impede my ability to fully understand this plea agreement.

I affirm that absolutely no promises, agreements, understandings, or conditions have been made or entered into in connection with my decision to plead guilty except those set forth in this plea agreement.

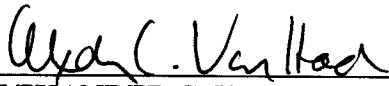
I am satisfied with the legal services provided by my attorney in connection with this plea agreement and the matters related to this case.

Dated: 11/06/09

  
WILLIAM EVERETT NICHOLS  
Defendant

I accept and agree to this plea agreement on behalf of the United States of America.

Dated: 11-06-09

  
ALEXANDER C. VAN HOOK  
Assistant United States Attorney

U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED - SHREVEPORT

NOV 06 2009

TONY R. MOORE, CLERK  
BY  DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

UNITED STATES OF AMERICA	* CRIMINAL NO. 09-00163-01
	*
VERSUS	* 18 U.S.C. § 371
	* 18 U.S.C. § 1344
	*
WILLIAM EVERETT NICHOLS	* JUDGE HICKS
	* MAGISTRATE JUDGE HORNSBY

UNDERSTANDING OF MAXIMUM PENALTY  
AND CONSTITUTIONAL RIGHTS

I, WILLIAM EVERETT NICHOLS, the above-named Defendant, having been furnished a copy of the charge and having discussed same with my attorney, state that I understand the nature of the charge against me and the maximum possible penalty that may be imposed against me as set forth in the Plea Agreement.

I further state that I understand:

1. My right to be represented by counsel (a lawyer) of my choice, or if I cannot afford counsel, my right to be represented by court-appointed counsel at no cost to me;
2. My right to plead guilty or not guilty;
3. My right to have a jury trial with twelve jurors who must all agree as to my guilt in order to convict;
4. My right not to be required to testify against myself or at all, if I do not so desire;

5. My right to confront and cross-examine witnesses against me and my right to have compulsory process to require witnesses to testify.

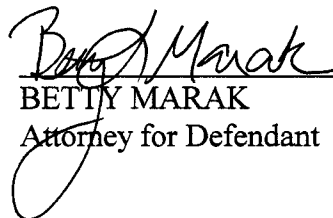
I realize that by pleading guilty, I stand convicted of the crime charged and waive my privilege against self-incrimination, my right to jury trial, my right to confront and cross-examine witnesses, and my right of compulsory process.

I further state that my plea in this matter is free and voluntary and that it has been made without any threats or inducements whatsoever (except the Plea Agreement) from anyone associated with the State or United States Government or my attorney, and that the only reason I am pleading guilty is that I am in fact guilty as charged.

Signed this 6<sup>th</sup> day of November, 2009.



WILLIAM EVERETT NICHOLS  
Defendant



BETTY MARAK  
Attorney for Defendant