

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

D-1 RONNIE EDWARD DUKE,

Defendant.

No. 11-20017

HON. JULIAN ABELE COOK, JR.

OFFENSE: Conspiracy, 18 U.S.C. §1349

MAXIMUM PRISON: 30 years

MAXIMUM FINE: \$1 million

RULE 11 PLEA AGREEMENT

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, defendant
RONNIE EDWARD DUKE and the government agree as follows:

1. GUILTY PLEA

A. Count of Conviction

Defendant will enter a plea of guilty to Count One of the Information, which
alleges that he committed conspiracy to commit wire fraud, in violation of 18 U.S.C.
§1349.

B. Elements of Offense

The elements of Count One are:

First - that two or more persons conspired or agreed to commit the offense of
wire fraud, that is, a scheme to defraud, or to obtain money or property by
means of false or fraudulent pretenses, representations, or promises; where
interstate wire transmissions are used to execute such scheme;

Second - The defendant knowingly and voluntarily joined the conspiracy; and



Third - The defendant did so with the intent to defraud.

C. Factual Basis for Guilty Plea

The following facts are a sufficient and accurate basis for defendant's guilty plea:

From approximately July 2003 to July 2007, in the Eastern District of Michigan, Southern Division, defendant DUKE conspired with several others – including defendants William Wells, Anthony Peters, Ryan Zundel, Wilinevah Richardson and Nicole (Turcheck) Rothe – to defraud various mortgage lenders out of tens of millions of dollars. DUKE was the leader and organizer of the scheme.

"Real" Loans. It was a part of the scheme that mortgage loans would be obtained to purchase residential properties from legitimate sellers. These mortgage loans were referred to as "real" loans. A "real" loan would typically be closed at the offices of a legitimate title company, but was fraudulent in that the buyer was a straw borrower who did not provide the down payment funds himself or intend to live in the house. Instead, the down payment funds came from DUKE. The straw borrower's bank accounts were temporarily inflated by a transfer of funds from DUKE to make it appear that the straw borrower had a bank account with a large balance when s/he did not. In most instances, the straw borrower's income was also artificially inflated on the loan application materials to qualify for the loan.

"Ghost" Loans. It was also a part of the scheme that a second category of mortgage loans would be obtained, which were referred to as "ghost" loans. In the case of a "ghost" loan, the entire transaction was a sham. There was no actual transfer of funds from the straw borrower. There was no transfer of legal title from the seller to the straw borrower. No legitimate title company was involved in the transaction. Rather, shell companies such as "First Escrow" and "Liberty Title and Escrow" were established by DUKE and his co-conspirators to act as closing companies to deceive lenders. The warranty deed and mortgage document submitted to the mortgage lender were never recorded in the county register of deeds. The loan proceeds were instead used by the participants in the scheme to continue the scheme and enrich themselves.

As the leader and organizer of the scheme, DUKE was responsible for recruiting straw borrowers, loan processors, mortgage brokers, and appraisers. DUKE was also responsible for providing down payment money to straw borrowers, forging signatures on documents, falsely notarizing signatures on documents, and directing the flow of the loan proceeds for continued use in the scheme or to his co-conspirators. Under DUKE's direction, co-conspirators processed fraudulent

loan applications for straw borrowers, fabricated title insurance documents and closing protection letters, prepared and notarized false settlement statements and facilitated the monthly payments to mortgage lenders (preventing the scheme from being exposed) by obtaining and distributing cashier's checks purchased with funds provided by DUKE.

In addition, one of DUKE's main roles in the conspiracy was to operate and oversee "First Escrow," a business used in the scheme to act as a fictitious closing company set up to receive wire transfers of funds for ghost loans. These funds were wired into bank accounts at Republic Bank, TCF Bank and JP Morgan Chase Bank that DUKE controlled. When DUKE received these interstate wire transfers from mortgage lenders in the First Escrow accounts, he did not disburse the funds as indicated on the HUD-1 settlement statements. Instead, the funds were used to continue the scheme. DUKE also diverted scheme funds into his business Hardcore Racing and purchased expensive cars and a helicopter.

Over 100 straw borrowers were involved and over 180 different residential properties in the metro Detroit area were used in the scheme.

2. SENTENCING GUIDELINES

A. Standard of Proof

The Court will find sentencing factors by a preponderance of the evidence.

B. Guideline Range

The parties disagree on the applicable guideline range.

The government believes that the guideline range, as set forth on the attached worksheets, is **360 months to life**, with a statutory maximum cap of 30 years (360 months). The government further believes that the Sentencing Guidelines "loss" amount is \$115,085,458.

Defendant disputes the government's computation of loss, and submits that the loss amount is below \$100 million, such that USSG §2B1.1(b)(1)(M), not

§2B1.1(b)(1)(N), applies. Defendant also disputes that the offense involved more than 50 victims, but stipulates that it involved more than 10 victims. Defendant does not dispute that the offense involved sophisticated means or that he was an organizer and leader. Defendant calculates his total offense level at 36 and recommends a guideline range of **262 to 327 months**.

The Court will make the necessary factual determinations regarding these disputed items at the time of sentencing. The Court is not bound by either party's recommendation concerning the guideline range, and defendant understands that he will have no right to withdraw his guilty plea if the Court does not follow his recommendation.

With respect to the remaining sentencing factors, neither party may take a position concerning the applicable guidelines that is different than any position of that party as reflected in the attached worksheets, except as necessary to the Court's determination regarding subsections a) and b), above.

C. Substantial Assistance

Based on the extensive cooperation and substantial assistance that defendant has provided to the government in the investigation and prosecution of others ***as of the date of this Agreement***, the parties agree that defendant's sentence should not exceed 15 years. The government will file a separate motion pursuant to USSG §5K1.1 regarding defendant's substantial assistance.

If defendant provides additional substantial assistance in the investigation and

prosecution of others ***after the date of this Agreement***, the government may, in its sole discretion, supplement its motion pursuant to USSG §5K1.1 to account for any such additional substantial assistance by defendant. The parties agree, and defendant understands, that the lowest sentence the government will recommend under any circumstances by virtue of any additional substantial assistance provided by defendant in the investigation and prosecution of others after the date of this Agreement is 10 years. The government reserves the right to recommend a sentence at any point within the 10-15 year range based on its evaluation of defendant's additional substantial assistance and in its sole discretion.

3. SENTENCE

The Court will impose a sentence pursuant to 18 U.S.C. §3553, and in doing so must consider the guideline range.

A. Imprisonment

Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the sentence of imprisonment in this case may not exceed the top of the guideline range determined by the Court pursuant to Paragraph 2.B. Pursuant to the agreement of the parties, the sentence of the imprisonment in this case may not exceed 15 years.

B. Supervised Release

A term of supervised release, if imposed, follows the term of imprisonment. The Court may impose any term of supervised release up to the statutory maximum term, which in this case is **5 years**. The agreement concerning imprisonment set forth above

in Paragraph 3.A does not apply to any term of imprisonment that results from any later revocation of supervised release.

C. Special Assessment

Defendant will pay a special assessment of **\$100** and must provide the government with a receipt for the payment before sentence is imposed.

D. Fine

The Court may impose a fine on Count One in any amount up to **\$1 million**.

E. Restitution

The Court shall order restitution to every identifiable victim of defendant's offenses and all other relevant conduct. The victims and their respective loss amounts will be identified at sentencing.

4. USE OF WITHDRAWN GUILTY PLEA

If the Court allows defendant to withdraw his guilty plea for a "fair and just reason" pursuant to Fed. R. Crim. P. 11(d)(2)(B), defendant waives his rights under Fed. R. Evid. 410, and the government may use his guilty plea, any statement made under oath at the change-of-plea hearing, and the factual basis statement in this plea agreement, against him in any proceeding.

5. OTHER CHARGES

If the Court accepts this agreement, the government will not bring additional charges against defendant based on the scheme to defraud alleged in the Information.

6. WITHDRAWAL FROM THIS AGREEMENT

Defendant may not withdraw from this agreement, or withdraw his guilty plea, if the Court decides to impose a sentence at or below 15 years. The government may withdraw from this agreement if the Court decides to impose a sentence below 10 years.

7. WAIVER OF RIGHT TO APPEAL

Defendant waives any right he has to appeal his conviction or sentence if the Court decides to impose a sentence at or below 15 years.

8. CONSEQUENCES OF WITHDRAWAL OF GUILTY PLEA OR VACATION OF CONVICTION

If defendant is allowed to withdraw his guilty plea or if any conviction entered pursuant to this agreement is vacated, the Court shall, on the government's request, reinstate any charges that were dismissed as part of this agreement. If additional charges are filed against defendant within six months after the date the order vacating defendant's conviction or allowing him to withdraw his guilty plea becomes final, which charges relate directly or indirectly to the conduct underlying the guilty plea or to any conduct reflected on the attached worksheets, defendant waives his right to challenge the additional charges on the ground that they were not filed in a timely manner, including any claim that they were filed after the limitations period expired.

9. PARTIES TO PLEA AGREEMENT

Unless otherwise indicated, this agreement does not bind any government agency except the United States Attorney's Office for the Eastern District of Michigan.

10. SCOPE OF PLEA AGREEMENT

This agreement, which includes all documents that it explicitly incorporates, is the complete agreement between the parties. This agreement supersedes all other promises, representations, understandings and agreements between the parties concerning the subject matter of this plea agreement that were made at any time before the guilty plea is entered in court. Thus, no oral or written promises made by the government to defendant or to the attorney for the defendant at any time before defendant pleads guilty are binding except to the extent they have been explicitly incorporated into this agreement.

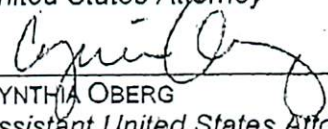
Notwithstanding the previous paragraph, if defendant has entered into a proffer agreement in writing or a cooperation agreement in writing with the government, this plea agreement does not supersede or abrogate the terms of any such prior written agreement.

This agreement also does not prevent any civil or administrative actions against defendant, or any forfeiture claim against any property, by the United States or any other party.

11. ACCEPTANCE OF PLEA OFFER BY DEFENDANT

This plea offer expires unless it has been received, fully signed, in the Office of the United States Attorney by 5:00 P.M. on June 8, 2012. The government reserves the right to modify or revoke this offer at any time before defendant pleads guilty.

BARBARA L. MCQUADE
United States Attorney


CYNTHIA OBERG
Assistant United States Attorney
Chief, White Collar Crime Unit

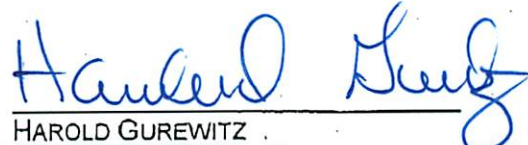

ERIN S. SHAW
Assistant United States Attorney

Date: June 1, 2012

By signing below, defendant acknowledges that he has read (or been read) this entire document, understands it, and agrees to its terms. He also acknowledges that he is satisfied with his attorney's advice and representation. Defendant agrees that he has had a full and complete opportunity to confer with his attorney, and has had all of his questions answered by his attorney.


RONNIE EDWARD DUKE
Defendant

Date: 6/22/12


HAROLD GUREWITZ
Attorney for Defendant

6/25/12

WORKSHEET A (Offense Levels)

Defendant: Ronnie Duke Count(s): I

Docket No: 11-20017 Statute(s): 18 USC §1349

Complete one Worksheet A for each count of conviction (taking into account relevant conduct and treating each stipulated offense as a separate count of conviction) before applying the multiple-count rules in U.S.S.G. ch. 3, pt. D. However, in any case involving multiple counts of conviction, if the counts of conviction are all "closely related" to each other within the meaning of U.S.S.G. § 3D1.2(d), complete only a single Worksheet A.

1. BASE OFFENSE LEVEL AND SPECIFIC OFFENSE CHARACTERISTICS (U.S.S.G. ch. 2)

<u>Guideline Section</u>	<u>Description</u>	<u>Levels</u>
<u>2B1.1(a)</u>	<u>Base Offense</u>	<u>7</u>
<u>2B1.1(b)(1)(N)</u>	<u>Over \$100 million loss</u>	<u>+26</u>
<u>2B1.1(b)(9)(C)</u>	<u>Sophisticated means</u>	<u>+2</u>
<u>2B1.1(b)(2)(B)</u>	<u>More than 50 victims</u>	<u>+4</u>

2. ADJUSTMENTS (U.S.S.G. ch. 3, pts. A, B, C)

<u>Guideline Section</u>	<u>Description</u>	<u>Levels</u>
<u>3B1.1(a)</u>	<u>Organizer and leader</u>	<u>+4</u>

3. ADJUSTED OFFENSE LEVEL

Enter the sum of the offense levels entered in Items 1 and 2. If this Worksheet A does not cover every count of conviction (taking into account relevant conduct and treating each stipulated offense as a separate count of conviction), complete one or more additional Worksheets A and a single Worksheet B.

43



If this is the only Worksheet A, check this box and skip Worksheet B.



If the defendant has no criminal history, check this box and skip Worksheet C.

WORKSHEET C (Criminal History)

Date of defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses): July 2, 2003

1. PRIOR SENTENCES

Prior Sentence of Imprisonment Exceeding 13 Months (U.S.S.G. §§ 4A1.1(a)): **3 POINTS**

Enter 3 points for each prior adult sentence of imprisonment exceeding one year and one month that either (1) was imposed within 15 years of the defendant's commencement of the instant offenses (taking into account relevant conduct and stipulated offenses) or (2) resulted in the defendant's confinement during any part of that 15-year period. (See U.S.S.G. §§ 4A1.1(a), 4A1.2(d)(1), (e)(1).)

Prior Sentence of Imprisonment of at Least 60 Days (U.S.S.G. §§ 4A1.1(b)): **2 POINTS**

Enter 2 points for each prior sentence of imprisonment of at least 60 days not counted under U.S.S.G. § 4A1.1(a) that either (1) resulted from an offense committed after the defendant turned 18 and was imposed within 10 years of the defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses) (see U.S.S.G. §§ 4A1.1(b), 4A1.2(c)(2)) or (2) resulted from an offense committed before the defendant turned 18 and resulted in the defendant's confinement during any part of the 5-year period preceding the defendant's commencement of the instant offense (see U.S.S.G. §§ 4A1.1(b), 4A1.2(d)(2)(A)).

Other Prior Sentences (U.S.S.G. §§ 4A1.1(c)): **1 POINT**

Enter 1 point for each prior sentence not counted under U.S.S.G. § 4A1.1(a) or (b) that either (1) resulted from an offense committed after the defendant turned 18 and was imposed within 10 years of the defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses) (see U.S.S.G. §§ 4A1.1(c), 4A1.2(e)(2)) or (2) resulted from an offense committed before the defendant turned 18 and was imposed within 5 years of the defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses) (see U.S.S.G. §§ 4A1.1(c), 4A1.2(d)(2)(B)). NOTE: No more than 4 points may be added under this item.

<u>Date of Imposition</u>	<u>Status*</u>	<u>Offense</u>	<u>Sentence</u>	<u>Release Date**</u>	<u>Points</u>
3/9/87		Embezzlement	3 yrs probation		0
7/20/89		Embezzlement	1 to 5 yrs		3
10/24/89		R&C Stolen Prop; Habitual 4 th	3-10 yrs		3
8/29/91		Escape	4m to 5 yrs		3
6/16/93		Misdem – Threatening Call	1 yr probation		0

* If the defendant committed the offense before turning 18, indicate whether he or she was sentenced as a juvenile (J) or as an adult (A).

** A release date is required in only three situations: (1) when a sentence covered under U.S.S.G. § 4A1.1(a) was imposed more than 15 years before the defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses) but resulted in his or her confinement during any part of that 15-year period; (2) when a sentence counted under U.S.S.G. § 4A1.1(b) was imposed for an offense committed before the defendant turned 18 but resulted in his or her confinement during any part of the 5-year period preceding his or her commencement of the instant offense (taking into account relevant conduct and stipulated offenses); and (3) when 2 criminal history points are added pursuant to U.S.S.G. § 4A1.1(e) because the defendant committed the instant offense (taking into account relevant conduct and stipulated offenses) shortly after or during imprisonment resulting from a sentence counted under U.S.S.G. § 4A1.1(a) or (b) or while he or she was on escape status for such a sentence.

(rev. 06/99)

(WORKSHEET C, p. 2)

2. COMMISSION OF INSTANT OFFENSE WHILE UNDER PRIOR SENTENCE (U.S.S.G. § 4A1.1(d))

Enter 2 points if the defendant committed any part of the instant offense (taking into account relevant conduct and stipulated offenses) while under any criminal justice sentence having a custodial or supervisory component, including probation, parole, supervised release, imprisonment, work release, and escape status. (See U.S.S.G. §§ 4A1.1(d), 4A1.2(m), (n).) List the type of control and identify the sentence from which it resulted.

3. COMMISSION OF INSTANT OFFENSE SHORTLY AFTER OR DURING IMPRISONMENT (U.S.S.G. § 4A1.1(e))

Enter 2 points if the defendant committed any part of the instant offense (taking into account relevant conduct and stipulated offenses) either less than 2 years after release from imprisonment on a sentence counted under U.S.S.G. §§ 4A1.1(a) or 4A1.1(b) or while in imprisonment or escape status on such a sentence. However enter, only 1 point for this item if 2 points were added under Item 2. (See U.S.S.G. §§ 4A1.1(e), 4A1.2(n).) List the date of release and identify the sentence from which it resulted.

4. PRIOR SENTENCE RESULTING FROM CRIME OF VIOLENCE (U.S.S.G. § 4A1.1(f))

Enter 1 point for each prior sentence resulting from a conviction for a crime of violence that did not receive any points under U.S.S.G. § 4A1.1(a), (b), or (c) because such sentence was considered related to another sentence resulting from a conviction for a crime of violence. But enter no points where the sentences are considered related because the offenses occurred on the same occasion. (See U.S.S.G. §§ 4A1.1(f), 4A1.2(p).) Identify the crimes of violence and briefly explain why the cases are considered related. NOTE: No more than 3 points may be added under this item.

5. TOTAL CRIMINAL HISTORY POINTS

Enter the sum of the criminal history points entered in Items 1-4.

9

6. CRIMINAL HISTORY CATEGORYTotal Criminal History PointsCriminal History Category

0 – 1
2 – 3
4 – 6
7 – 9
10 – 12
≥ 13

I
II
III
IV
V
VI

IV

(rev. 06/99)

WORKSHEET D (Guideline Range)**1. (COMBINED) ADJUSTED OFFENSE LEVEL**

Enter the adjusted offense level entered in Item 3 of Worksheet A or the combined adjusted offense level entered in Item 8 of Worksheet B.

43

2. ADJUSTMENT FOR ACCEPTANCE OF RESPONSIBILITY (U.S.S.G. § 3E1.1)

-3

3. TOTAL OFFENSE LEVEL

Enter the difference between Items 1 and 2.

40

4. CRIMINAL HISTORY CATEGORY

Enter "I" if the defendant has no criminal history. Otherwise, enter the criminal history category entered in Item 6 of Worksheet C.

IV

5. CAREER OFFENDER / CRIMINAL LIVELIHOOD / ARMED CAREER CRIMINAL (U.S.S.G. ch. 4, pt. B)

a. Total Offense Level: If the career offender provision (U.S.S.G. § 4B1.1), the criminal livelihood provision (U.S.S.G. § 4B1.3), or the armed career criminal provision (U.S.S.G. § 4B1.4) results in a total offense level higher than the total offense level entered in Item 3, enter the higher offense level total.

b. Criminal History Category: If the career offender provision (U.S.S.G. § 4B1.1) or the armed career criminal provision (U.S.S.G. § 4B1.4) results in a criminal history category higher than the criminal history category entered in Item 4, enter the higher criminal history category.

6. GUIDELINE RANGE FROM SENTENCING TABLE (U.S.S.G. ch. 5, pt. A)

Enter the guideline range in the Sentencing Table (see U.S.S.G. ch. 5, pt. A) produced by the total offense level entered in Item 3 or 5.a and the criminal history category entered in Item 4 or 5.b.

360 - life

7. STATUTORY RESTRICTIONS ON OR SUPERSESSION OF GUIDELINE RANGE

If the maximum sentence authorized by statute is below, or a minimum sentence required by statute is above, the guideline range entered in Item 6, enter either the guideline range as restricted by statute or the sentence required by statute. (See U.S.S.G. § 5G1.1.) If the sentence on any count of conviction is required by statute to be consecutive to the sentence on any other count of conviction, explain why.

WORKSHEET E (Authorized Guideline Sentences)

1. PROBATION (U.S.S.G. ch. 5, pt. B)

a. Imposition of a Term of Probation (U.S.S.G. § 5B1.1)

☒

1. Probation is not authorized by the guidelines (minimum of guideline range > 6 months or statute of conviction is a Class A or a Class B felony). If this box is checked, go to Item 2 (Split Sentence).

☐

2. Probation is authorized by the guidelines (minimum of guideline range = zero months).

☐

3. Probation is authorized by the guidelines, provided the court imposes a condition or combination of conditions requiring intermittent confinement, community confinement, or home detention satisfying the minimum of the guideline range (minimum of guideline range > 0 months but ≤ 6 months).

b. Length of Term of Probation (U.S.S.G. § 5B1.2)

☐

1. At least 1 year but not more than 5 years (total offense level ≥ 6).

☐

2. No more than 3 years (total offense level < 6).

c. Conditions of Probation (U.S.S.G. § 5B1.3)

The court must impose certain conditions of probation and may impose other conditions of probation.

2. SPLIT SENTENCE (U.S.S.G. § 5C1.1(c)(2), (d)(2))

☒

- a. A split sentence is not authorized (minimum of guideline range = 0 months or > 10 months).

☐

- b. A split sentence is authorized (minimum of guideline range > 0 months but ≤ 10 months). The court may impose a sentence of imprisonment that includes a term of supervised release with a condition that substitutes community confinement or home detention for imprisonment, provided that at least one-half of the minimum of the guideline range is satisfied by imprisonment (if the minimum of the guideline range is 8, 9, or 10 months), or that at least one month is satisfied by imprisonment (if the minimum of the guideline range is 1, 2, 3, 4, or 6 months). The authorized length of the term of supervised release is set forth below in Item 4.b

3. IMPRISONMENT (U.S.S.G. ch. 5, pt. C)

A term of imprisonment is authorized by the guidelines if it is within the applicable guideline range (entered in Item 6 of Worksheet D). (See U.S.S.G. § 5C1.1.)

(WORKSHEET E, p. 2)

4. SUPERVISED RELEASE (U.S.S.G. ch 5., pt. D)**a. Imposition of a Term of Supervised Release (U.S.S.G. § 5D1.1)**

The court must impose a term of supervised release if it imposes a term of imprisonment of more than one year, or if it is required to do so by statute. The court may impose a term of supervised release if it imposes a term of imprisonment of one year or less.

b. Length of Term of Supervised Release (U.S.S.G. § 5D1.2)☒

1. At least 3 years but not more than 5 years, where the count of conviction is a Class A or a Class B felony, i.e., an offense carrying a maximum term of imprisonment ≥ 25 years.

☐

2. At least 2 years but not more than 3 years, where the count of conviction is a Class C or a Class D felony, i.e., an offense carrying a maximum term of imprisonment ≥ 5 years but < 25 years.

☐

3. 1 year, where the count of conviction is a Class E felony or a Class A misdemeanor, i.e., an offense carrying a maximum term of imprisonment > 6 months but < 5 years.

☐

4. The statute of conviction requires a minimum term of supervised release of at least _____.

c. Conditions of Supervised Release (U.S.S.G. § 5D1.3)

The court must impose certain conditions of supervised release and may impose other conditions of supervised release.

5. RESTITUTION (U.S.S.G. § 5E1.1)☐

1. The court will determine whether restitution should be ordered and in what amount.

☒

2. Full restitution to the victim(s) of the offense(s) of conviction is *required* by statute. (See, e.g., 18 U.S.C. §§ 3663A, 2327.) The restitution amount will be determined at sentencing.

☐

3. The parties agree that the court may order restitution to the victim(s) of the offense(s) of conviction in any amount up to and including \$_____. (See 18 U.S.C. §§ 3663(a)(3).)

☐

4. The parties agree that the court may *also* order restitution to persons other than the victim(s) of the offense(s) of conviction. (See 18 U.S.C. §§ 3663(a)(1)(A), 3663A(a)(3).)

☐

5. Restitution is not applicable.

(WORKSHEET E, p. 3)

6. FINE (U.S.S.G. § 5E1.2)**a. Fines for Individual Defendants**

The court must impose a fine unless "the defendant establishes that he [or she] is unable to pay and is not likely to become able to pay any fine." (See U.S.S.G. § 5E1.2(a).) Generally, the fine authorized by the guidelines is limited to the range established in the Fine Table. (See U.S.S.G. § 5E1.2(b).) However, there are exceptions to this general rule. (See U.S.S.G. § 5E1.2(b), (c)(4).)

b. Fine Range from Fine Table (U.S.S.G. § 5E1.2(c)(3))

<u>Minimum Fine</u>	<u>Maximum Fine</u>
<u>\$25,000</u>	<u>\$250,000</u>

7. SPECIAL ASSESSMENT(S) (U.S.S.G. § 5E1.3)

The court must impose a special assessment on every count of conviction. The special assessments for individual defendants are

- \$100.00 for every count charging a felony (\$50.00 if the offense was completed before April 24, 1996)
- \$ 25.00 for every count charging a Class A misdemeanor,
- \$ 10.00 for every count charging a Class B misdemeanor, and
- \$ 5.00 for every count charging a Class C misdemeanor or an infraction.

The defendant must pay a special assessment or special assessments in the total amount of \$ \$100.00.

8. ADDITIONAL APPLICABLE GUIDELINES, POLICY STATEMENTS, AND STATUTES

List any additional applicable guideline, policy statement, or statute.

9. UPWARD OR DOWNWARD DEPARTURE (U.S.S.G. ch. 5, pts. H & K)

List any applicable aggravating or mitigating circumstance that might support a term of imprisonment above or below the applicable guideline range.
