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U.S. Department of Justice
United States Attorney
District of New Jersey
AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

Fatime Meka Cano
Assistant United States Attorney

970 Broad Street, Suite 700 Direct Dial: (973) 645-2758
Newark, New Jersey 07102

October 28, 2021

Via Email

A. Charles Peruto, Jr., Esq.
Law Offices of A. Charles Peruto, Jr.
2101 Pine Street
Philadelphia, PA 19103
chuck@peruto.com

Re: Plea Agreement with Jordan C. Larkins

22-cr-188(ZNQ)

Dear Mr. Peruto:

This letter sets forth the plea agreement between your client Jordan C. Larkins ("Larkins") and the United States Attorney for the District of New Jersey ("this Office"). This plea agreement will expire on November 15, 2021, if an executed copy is not returned to this Office on or before that date.

Charge

Conditioned on the understandings specified below, this Office will accept a guilty plea from Larkins to a three-count Information that charges Larkins with: wire fraud, in violation of 18 U.S.C. § 1343 (Count One); bank fraud, in violation 18 U.S.C. § 1344 (Count Two); and money laundering, 18 U.S.C. § 1957 (Count Three). If Larkins enters a guilty plea and is sentenced on these charges, and otherwise fully complies with all of the terms of this agreement, this Office will not initiate any further criminal charges against Larkins for, from in or about May 2020 through in or about July 2020, engaging in a scheme to fraudulently obtain federal COVID-19 emergency relief loans, including Paycheck Protection Program ("PPP") loans and Economic Insurance Disaster Loans ("EIDL"), and causing those loan funds to be deposited into various bank accounts that Larkins controlled, provided that: (1) Larkins admits under oath at the time of his guilty plea to: (a) knowingly and intentionally submitting a total of at least 14 fraudulent PPP and EIDL loan applications to three different lenders (together, the "Lenders") and to the Small Business Administration ("SBA") on behalf of at least seven purported

businesses that Larkins controlled in connection with a wire fraud and bank fraud scheme in which Larkins obtained a total of approximately \$1,641,470 combined in PPP and EIDL loan proceeds from the Lenders and SBA; and (b) knowingly engaging in several transactions with the loan proceeds in which Larkins: transferred funds from the bank accounts he controlled to other bank accounts, made cash withdrawals, transferred loan funds to a foreign bank account, and used the funds for personal non-business transactions; and (2) this conduct is taken into account as relevant conduct by the Court at the time of sentencing pursuant to U.S.S.G. § 1B1.2(c).

However, in the event that a guilty plea in this matter is not entered for any reason or the judgment of conviction entered as a result of this guilty plea does not remain in full force and effect, Larkins agrees that any other charges that are not time-barred by the applicable statute of limitations on the date this agreement is signed by Larkins may be commenced against him, notwithstanding the expiration of the limitations period after Larkins signs the agreement.

Sentencing

The violation of 18 U.S.C. § 1343 charged in Count One of the Information to which Larkins agrees to plead guilty carries a statutory maximum prison sentence of 20 years and a statutory maximum fine which is the greatest of: (1) \$250,000; (2) twice the gross amount of any pecuniary gain that any persons derived from the offense; or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense. Fines imposed by the sentencing judge may be subject to the payment of interest.

The violation of 18 U.S.C. § 1344 charged in Count Two of the Information to which Larkins agrees to plead guilty carries a statutory maximum prison sentence of 30 years and a statutory maximum fine which is the greatest of: (1) \$1,000,000; (2) twice the gross amount of any pecuniary gain that any persons derived from the offense; or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense. Fines imposed by the sentencing judge may be subject to the payment of interest.

The violation of 18 U.S.C. § 1957 charged in Count Three in the Information to which Larkins agrees to plead guilty each carries a statutory maximum prison sentence of 10 years and a statutory maximum fine which is the greatest of: (1) \$250,000; (2) twice the gross amount of any pecuniary gain that any persons derived from the offense; or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense.

The sentence on each count may run consecutively. Fines imposed by the sentencing judge may be subject to the payment of interest.

The sentence to be imposed upon Larkins is within the sole discretion of the sentencing judge, subject to the provisions of the Sentencing Reform Act, 18 U.S.C. §§ 3551-3742, and the sentencing judge's consideration of the United States Sentencing Guidelines. The United States Sentencing Guidelines are advisory, not mandatory. The sentencing judge may impose any reasonable sentence up to and including the statutory maximum term of imprisonment and the maximum statutory fine. This Office cannot and does not make any representation or promise as to what Guidelines range may be found by the sentencing judge, or as to what sentence Larkins ultimately will receive.

Further, in addition to imposing any other penalty on Larkins, the sentencing judge: (1) will order Larkins to pay an assessment of \$100 on each count pursuant to 18 U.S.C. § 3013, which assessment must be paid by the date of sentencing; (2) may order Larkins to pay restitution on each count pursuant to 18 U.S.C. §§ 3563(b)(2), 3583(d), or 3663; (3) may order Larkins, pursuant to 18 U.S.C. § 3555, to give notice on each count to any victims of his offense; (4) must order forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C); and (5) pursuant to 18 U.S.C. § 3583, may require Larkins to serve a term of supervised release of not more than five years on Counts One and Two, and not more than three years on Count Three which will begin at the expiration of any term of imprisonment imposed. Should Larkins be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, Larkins may be sentenced to not more than three years imprisonment for Counts One and Two, and not more than two years imprisonment for Count Three, in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

Restitution Agreement

In addition, Larkins agrees to make full restitution for all losses resulting from the offense of conviction or from the scheme, conspiracy, or pattern of criminal activity underlying the offenses. The parties agree that this amount shall be \$1,641,470.

Rights of This Office Regarding Sentencing

Except as otherwise provided in this agreement, this Office reserves its right to take any position with respect to the appropriate sentence to be imposed on

Larkins by the sentencing judge, to correct any misstatements relating to the sentencing proceedings, and to provide the sentencing judge and the United States Probation Office all law and information relevant to sentencing, favorable or otherwise. In addition, this Office may inform the sentencing judge and the United States Probation Office of (1) this agreement, and (2) the full nature and extent of activities and relevant conduct with respect to this case.

Stipulations

This Office and Larkins agree to stipulate at sentencing to the statements set forth in the attached Schedule A, which hereby is made a part of this plea agreement. This agreement to stipulate, however, cannot and does not bind the sentencing judge, who may make independent factual findings and may reject any or all of the stipulations entered into by the parties. To the extent that the parties do not stipulate to a particular fact or legal conclusion, each reserves the right to argue the existence of and the effect of any such fact or conclusion upon the sentence. Moreover, this agreement to stipulate on the part of this Office is based on the information and evidence that this Office possesses as of the date of this agreement. Thus, if this Office obtains or receives additional evidence or information prior to sentencing that it determines to be credible and to be materially in conflict with any stipulation in the attached Schedule A, this Office shall not be bound by any such stipulation. A determination that any stipulation is not binding shall not release either this Office or Larkins from any other portion of this agreement, including any other stipulation. If the sentencing court rejects a stipulation, both parties reserve the right to argue on appeal or at post-sentencing proceedings that the sentencing court was within its discretion and authority to do so. These stipulations do not restrict this Office's right to respond to questions from the Court and to correct misinformation that has been provided to the Court.

Waiver of Appeal and Post-Sentencing Rights

As set forth in Schedule A, this Office and Larkins waive certain rights to file an appeal, collateral attack, writ, or motion after sentencing, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255.

Forfeiture

As part of his acceptance of responsibility, and pursuant to 18 U.S.C. § 982(a)(7), Larkins agrees to forfeit to the United States all of his right, title, and interest in all property the defendant obtained that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the wire fraud scheme, in violation of 18 U.S.C. § 1343, the bank fraud scheme, in violation of 18 U.S.C. § 1344, and the money laundering scheme, in violation of § 1957, as charged in the

Information. Larkins further agrees that the value of such property was \$1,641,470; that one or more of the conditions set forth in 21 U.S.C. § 853(p) exists; and that the United States is therefore entitled to forfeit substitute assets equal to the value of the gross proceeds obtained by Larkins, in an amount not to exceed \$1,641,470 (the "Money Judgment"). Larkins consents to the entry of an Order requiring him to pay the Money Judgment and agrees that such Order will be final as to him prior to sentencing, pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, and which may be satisfied in whole or in part with substitute assets.

All payments made in full or partial satisfaction of the Money Judgment shall be made by postal money order, bank, or certified check, made payable in this instance to the United States Marshals Service, indicating the defendant's name and case number on the face of the check; and shall be delivered to the United States Attorney's Office, District of New Jersey, Attn: Asset Recovery and Money Laundering Unit, 970 Broad Street, 7th Floor, Newark, New Jersey 07102. Larkins further agrees that upon entry of the Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of property sufficient to pay the Money Judgment in full or in connection with any petitions filed with regard to proceeds or substitute assets, including depositions, interrogatories, and requests for production of documents, and the issuance of subpoenas.

Larkins waives the requirements of Rules 32.2 and 43(a) of the Federal Rules of Criminal Procedure regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. Larkins understands that criminal forfeiture is part of the sentence that may be imposed in this case and waives any failure by the court to advise him of this pursuant to Rule 11(b)(1)(J) of the Federal Rules of Criminal Procedure at the guilty plea proceeding. The defendant waives any and all constitutional, statutory, and other challenges to the forfeiture on any and all grounds, including that the forfeiture constitutes an excessive fine or punishment under the Eighth Amendment. It is further understood that any forfeiture of the defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon him in addition to forfeiture.

Larkins further agrees that on or before the date he enters his plea of guilty he will provide a complete and accurate Financial Disclosure Statement on the form provided by this Office. If Larkins fails to provide a complete and accurate Financial Disclosure Statement by the date he enters his plea of guilty, or if this Office determines that Larkins has intentionally failed to disclose assets on his Financial Disclosure Statement, Larkins agrees that that failure constitutes a material breach of this agreement, and this Office reserves the right, regardless of any

agreement or stipulation that might otherwise apply, to oppose any downward adjustment for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1, and to seek leave of the Court to withdraw from this agreement or seek other relief.

Immigration Consequences

Larkins understands that, if he is not a citizen of the United States, his guilty plea to the charged offense will likely result in his being subject to immigration proceedings and removed from the United States by making him deportable, excludable, or inadmissible, or ending his naturalization. The defendant understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. The defendant wants and agrees to plead guilty to the charged offense regardless of any immigration consequences of this plea, even if this plea will cause his removal from the United States. The defendant understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, the defendant waives any and all challenges to his guilty plea and to his sentence based on any immigration consequences, and agrees not to seek to withdraw his guilty plea, or to file a direct appeal or any kind of collateral attack challenging his guilty plea, conviction, or sentence, based on any immigration consequences of his guilty plea.

Other Provisions

This agreement is limited to the United States Attorney's Office for the District of New Jersey and cannot bind other federal, state, or local authorities. However, this Office will bring this agreement to the attention of other prosecuting offices, if requested to do so.

This agreement was reached without regard to any civil or administrative matters that may be pending or commenced in the future against Larkins. This agreement does not prohibit the United States, any agency thereof (including the Internal Revenue Service and the U.S. Department of Health and Human Services), or any third party from initiating or prosecuting any civil or administrative proceeding against Larkins.

No provision of this agreement shall preclude Larkins from pursuing in an appropriate forum, when permitted by law, an appeal, collateral attack, writ, or motion claiming that Larkins received constitutionally ineffective assistance of counsel.

No Other Promises

This agreement constitutes the plea agreement between Larkins and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

Very truly yours,

RACHAEL A. HONIG
Acting United States Attorney

Fatime Meke Cano

By: FATIME MEKA CANO
Assistant U.S. Attorney

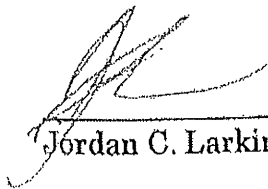
APPROVED:

Bernard J. Cooney

BERNARD J. COONEY
Chief, Government Fraud Unit

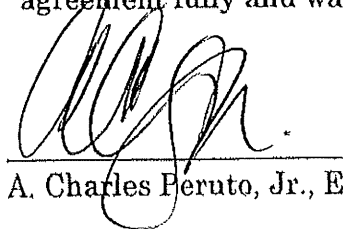
I have received this letter from my attorney, A. Charles Peruto, Jr., Esq. and I have read it. My attorney and I have discussed it and all of its provisions, including those addressing the charge, sentencing, restitution, stipulations, waiver, forfeiture, and immigration consequences. I understand this letter fully. I hereby accept its terms and conditions and acknowledge that it constitutes the plea agreement between the parties. I understand that no additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties. I want to plead guilty pursuant to this plea agreement.

AGREED AND ACCEPTED:


Jordan C. Larkins

Date: 11/23/21

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


A. Charles Peruto, Jr., Esq.

Date: 11/23/2021

Plea Agreement with Jordan C. Larkins

Schedule A

1. This Office and Jordan C. Larkins (“Larkins”) recognize that the United States Sentencing Guidelines are not binding upon the Court. This Office and Larkins nevertheless agree to the stipulations set forth herein, and agree that the Court should sentence Larkins within the Guidelines range that results from the total Guidelines offense level set forth below. This Office and Larkins further agree that neither party will argue for the imposition of a sentence outside the Guidelines range that results from the agreed total Guidelines offense level.

2. The version of the United States Sentencing Guidelines effective November 1, 2018, applies in this case.

Count One — Wire Fraud

3. The applicable guideline for this offense is U.S.S.G. § 2B1.1. Because the offense of conviction has a statutory maximum term of imprisonment of 20 years or more, this guideline carries a Base Offense Level of 7. U.S.S.G. § 2B1.1(a)(1).

4. Because the offense involved a loss amount that exceeded \$550,000 but not more than \$1,500,000, the Specific Offense Characteristic results in an increase of 14 levels. U.S.S.G. § 2B1.1(b)(1)(H).

5. Because the offense involved sophisticated means and Larkins intentionally engaged in or caused the conduct constituting sophisticated means, it results in an increase of 2 levels. U.S.S.G. § 2B1.1(b)(10)(C).

6. The Total Base Offense Level for Count One is 23.

Count Two — Bank Fraud

7. The applicable guideline for this offense is U.S.S.G. § 2B1.1. Because the offense of conviction has a statutory maximum term of imprisonment of 20 years or more, this guideline carries a Base Offense Level of 7. U.S.S.G. § 2B1.1(a)(1).

8. Because the offense involved a loss amount that exceeded \$550,000 but not more than \$1,500,000, the Specific Offense Characteristic results in an increase of 14 levels. U.S.S.G. § 2B1.1(b)(1)(H).

9. Because the offense involved sophisticated means and Larkins intentionally engaged in or caused the conduct constituting sophisticated

means, it results in an increase of 2 levels. U.S.S.G. § 2B1.1(b)(10)(C).

10. The Total Base Offense Level for Count Two is 23.

Count Three — Money Laundering

11. The applicable guideline for money laundering is U.S.S.G. § 2S1.1, which requires the application of U.S.S.G. § 2B1.1, the applicable guideline for the underlying offense from which the laundered funds were derived (wire and bank fraud). U.S.S.G. § 2S1.1(a)(1).

12. The Base Offense Level under U.S.S.G. § 2S1.1 is therefore 23, as described in Paragraphs 3 through 10 above.

13. The offense resulted in the conviction of Larkins under 18 U.S.C. § 1957. This results in an increase of 1 level, under U.S.S.G. § 2S1.1(b)(2)(A).

14. The Total Offense Level 24.

Grouping of Multiple Counts

15. The United States and Larkins agree that Counts One, Two, and Three of the Information are grouped together into a single group because those counts involve substantially the same harm under U.S.S.G. § 3D1.2.

16. Pursuant to U.S.S.G. § 3D1.4, the adjusted offense level is 24.

Acceptance of Responsibility and Plea

17. As of the date of this letter, Larkins has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for the offenses charged. Therefore, a downward adjustment of 2 levels for acceptance of responsibility is appropriate if Larkin's acceptance of responsibility continues through the date of sentencing. U.S.S.G. § 3E1.1(a).

18. As of the date of this letter, Larkins 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 United States to avoid preparing for trial and permitting the United States and the court to allocate their resources efficiently. At sentencing, the United States will move for a further 1-point reduction in Larkin's offense level pursuant to U.S.S.G. § 3E1.1(b) if the following conditions are met: (a) Larkins enters a plea pursuant to this agreement, (b) the United States in its discretion determines that Larkin's acceptance of responsibility has continued through the date of sentencing and Larkins therefore qualifies for a 2-point reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a), and (c)

Larkin's offense level under the Guidelines prior to the operation of § 3E1.1(a) is 16 or greater.

19. In accordance with the above, the parties agree that the total Guidelines offense level applicable to Larkins is 21 (the "agreed total Guidelines offense level").

20. The parties agree not to seek or argue for any upward or downward departure, adjustment or variance not set forth herein. The parties further agree that a sentence within the Guidelines range that results from the agreed total Guidelines offense level is reasonable.

21. Larkins knows that he has and, except as noted below in this paragraph, voluntarily waives, the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255, which challenges the sentence imposed by the sentencing court if that sentence falls within or below the Guidelines range that results from the agreed total Guidelines offense level of 21. This Office will not file any appeal, motion or writ which challenges the sentence imposed by the sentencing court if that sentence falls within or above the Guidelines range that results from the agreed total Guidelines offense level of 21. The parties reserve any right they may have under 18 U.S.C. § 3742 to appeal the sentencing court's determination of the criminal history category. The provisions of this paragraph are binding on the parties even if the Court employs a Guidelines analysis different from that stipulated to herein. Furthermore, if the sentencing court accepts a stipulation, both parties waive the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing court erred in doing so.

22. Both parties reserve the right to oppose or move to dismiss any appeal, collateral attack, writ, or motion barred by the preceding paragraph and to file or to oppose any appeal, collateral attack, writ or motion not barred by the preceding paragraph.