



United States Attorney
Western District of Pennsylvania

U.S. Post Office & Courthouse
700 Grant Street
Suite 4000
Pittsburgh, Pennsylvania 15219

412/644-3500

January 17, 2007

Jay J. Finkelstein, Esquire
Assistant Federal Public Defender
1450 Liberty Center
1001 Liberty Avenue
Pittsburgh, PA 15222-3714

Re: United States of America v.
Andrew F. Andros
Criminal No. 06-114

Dear Mr. Finkelstein:

This letter sets forth the agreement by which your client, Andrew F. Andros, will enter a plea of guilty in the above-captioned case. The letter represents the full and complete agreement between Andrew F. Andros and the United States Attorney for the Western District of Pennsylvania. The agreement does not apply to or bind any other federal, state, or local prosecuting authority.

Upon entering a plea of guilty, Andrew F. Andros will be sentenced under the Sentencing Reform Act, 18 U.S.C. §3551, et seq. and 28 U.S.C. §991, et seq. The Sentencing Guidelines promulgated by the United States Sentencing Commission will be considered by the Court in imposing sentence. The facts relevant to sentencing shall be determined initially by the United States Probation Office and finally by the United States District Court by a preponderance of the evidence.

- A. The defendant, Andrew F. Andros, agrees to the following:
1. He will enter a plea of guilty to Count One of the Indictment at Criminal No. 06-114 charging him with

LIMITED OFFICIAL
USE

GOVERNMENT
EXHIBIT

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violating Title 18, United States Code, Section 152(1) pursuant to Rule 11 of the Federal Rules of Criminal Procedure.

2. At the time Andrew F. Andros enters his plea of guilty, he will deposit a special assessment of \$100.00 in the form of cash, or check or money order payable to "Clerk, U.S. District Court". In the event that sentence is not ultimately imposed, the special assessment deposit will be returned.
3. Upon request of the United States, Andrew F. Andros agrees to provide all information regarding his income, assets and financial status. He agrees to complete a financial statement under oath.
4. If the Court imposes a fine or restitution as part of a sentence of incarceration, Andrew F. Andros agrees to participate in the United States Bureau of Prisons' Inmate Financial Responsibility Program, through which 50% of his prison salary will be applied to pay the fine or restitution.
5. Andrew F. Andros waives the right to take a direct appeal from his conviction or sentence under 28 U.S.C. §1291 or 18 U.S.C. §3742, subject to the following exceptions:
 - (a) If the United States appeals from the sentence, Andrew F. Andros may take a direct appeal from the sentence.
 - (b) If (1) the sentence exceeds the applicable statutory limits set forth in the United States Code, or (2) the sentence unreasonably exceeds the guideline range determined by the Court under the Sentencing Guidelines, Andrew F. Andros may take a direct appeal from the sentence.

Andrew F. Andros further waives the right to file a motion to vacate sentence, under 28 U.S.C. §2255, attacking his conviction or sentence, and the right to file any other collateral proceeding attacking his conviction or sentence.

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B. In consideration of and entirely contingent upon the provisions of Parts A and C of this agreement, the United States Attorney for the Western District of Pennsylvania agrees to the following:

1. The United States Attorney retains the right of allocution at the time of sentencing to advise the sentencing Court of the full nature and extent of the involvement of Andrew F. Andros in the offense charged in the Information and of any other matters relevant to the imposition of a fair and just sentence.
2. Prior to sentencing, the United States Attorney will, orally or in writing, recommend that, pursuant to §3E1.1 of the Sentencing Guidelines, the Court reduce the offense level by 2 levels for acceptance of responsibility on the grounds that a timely manifested acceptance of responsibility.
3. The United States Attorney will take any position she deems appropriate in the course of any appeals from the sentence or in response to any post-sentence motions.

C. Andrew F. Andros and the United States Attorney further understand and agree to the following:

1. The maximum penalty that may be imposed upon Andrew F. Andros pursuant to the one count Information is:
 - (a) A term of imprisonment of five years;
 - (b) A fine of \$250,000.00;
 - (c) A term of supervised release of three years;
 - (d) A special assessment under 18 U.S.C. §3013 of \$100.00;
2. The parties stipulate and agree that for purposes of this plea the total loss, including applicable relevant conduct pursuant to §1B1.3 of the Sentencing Guidelines, is greater than \$70,000 but less than \$120,000 and therefore agree that under Section 2B1.1(b)(1)(E) of the Sentencing Guidelines, the base offense level is 14. (2001

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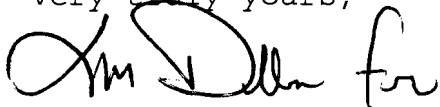
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version of the United States Sentencing Commission Guidelines Manual)

3. Prior to sentencing, the United States Attorney will, orally or in writing, recommend that, pursuant to Section 3E1.1(a) of the Sentencing Guidelines, the court reduce the offense level by two levels for acceptance of responsibility, on the grounds that Andrew F. Andros:
 - (a) Timely notified authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the court to allocate its resources efficiently.
4. The parties stipulate and agree that they are making no agreement as to the applicability or non applicability of any other part or provision of the Sentencing Guidelines but do agree, as stated above, that the facts relevant to sentencing shall be determined initially by the United States Probation Office (employing the advisory Sentencing Guidelines) and finally by the United States District Court by a preponderance of the evidence.
5. This agreement does not preclude the government from pursuing any civil or administrative remedies against Andrew F. Andros or his property.

This letter sets forth the full and complete terms and conditions of the agreement between Andrew F. Andros and the United States Attorney for the Western District of Pennsylvania, and there are no other agreements, promises, terms or conditions, express or implied.

Very truly yours,



MARYBETH BUCHANAN
United States Attorney

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I have received this letter from my attorney, Jay J. Finkelstein, Esquire, have read it and discussed it with him, and I hereby accept it and acknowledge that it fully sets forth my agreement with the Office of the United States Attorney for the Western District of Pennsylvania. I affirm that there have been no additional promises or representations made to me by any agents or officials of the United States in connection with this matter.

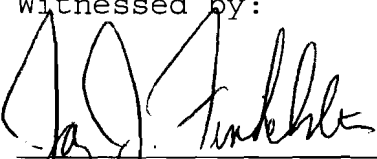


Andrew F. Andros

4/16/07

Date

Witnessed by:



Jay J. Finkelstein, Esquire
Counsel for Andrew F. Andros