

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

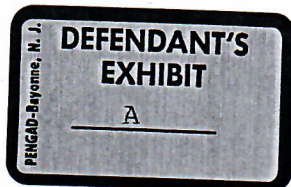
Case No. 2:11-cr-223  
JUDGE MICHAEL H. WATSON

ARTHUR E. SCHLICHTER

AMENDED PLEA AGREEMENT

The United States Attorney for the Southern District of Ohio and Defendant ARTHUR E. SCHLICHTER hereby enter into the following binding Plea Agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure:

1. Defendant ARTHUR E. SCHLICHTER will enter pleas of guilty to all three counts of the Information filed herein, Count 1 charges him with wire fraud, in violation of 18 U.S.C. § 1343; Count 2 charges him with bank fraud, in violation of 18 U.S.C. § 1344; and Count 3 charges him with making and subscribing a false tax return, in violation of 26 U.S.C. § 7206(1).
2. Defendant ARTHUR E. SCHLICHTER understands that the maximum penalty which may be imposed pursuant to his plea of guilty to Count 1 of the Information is a term of imprisonment of 20 years, a fine of \$250,000 or twice the gain to the Defendant or loss to victims, and 3 years of supervised release; the maximum penalty which may be imposed pursuant to his plea of guilty to Count 2 of the Information is a term of imprisonment of 30 years, a fine of \$1,000,000 or twice the gain to the Defendant or loss to victims, and 5 years of supervised release; and the maximum penalty which may be imposed pursuant to his plea of guilty to Count 3 of the Information is a term of imprisonment of 3 years, a fine of \$250,000, the costs of prosecution, and 1 year of



supervised release.

3. The advisory guidelines apply as follows:

Base offense level = 7

Loss of between \$1,000,000 and \$2,500,000 = +16

50 or more victims = +4

Acceptance of responsibility = -3

Total offense level = 24

4. Pursuant to 18 U.S.C. § 3553(a) and Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the parties agree that a sentence that includes a 127-month term of imprisonment, to be served concurrently with the sentence in Franklin County, Ohio case number 11-cr-931, is the appropriate disposition of this case, as a result of Defendant's guilty pleas on Counts 1, 2, and 3 of the Information. There is no agreement as to the other aspects of sentencing, including but not limited to, supervised release, fine, and restitution, which remain for the Court to determine. This is a binding plea agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, so that, if the Court accepts the plea agreement, the Court is bound to commit the Defendant to the custody of the Bureau of Prisons for a term of 127 months. If, after reviewing the presentence report, the Court refuses to accept this plea agreement due to its binding recommendation on sentencing, the parties understand that either party has the right to have the Defendant's guilty plea set aside and the United States may seek leave to dismiss the Information without prejudice and may seek identical and/or additional charges. Defendant ARTHUR E. SCHLICHTER will not object to such dismissal or filing of further charges.

5. Prior to or at the time of sentencing, the Defendant will pay a special assessment of \$300.00, as required in 18 U.S.C. §3013. This payment shall be made to the United

States District Court, at the Clerk's Office, Room 260, 85 Marconi Boulevard, Columbus, Ohio 43215. Defendant will furnish to the government a receipt or other evidence of payment at the time of sentencing.

6. Defendant ARTHUR E. SCHLICHTER agrees to testify truthfully and completely concerning all matters pertaining to the Information filed herein and to any and all other wire fraud, bank fraud, and federal tax violations occurring in the Southern District of Ohio in which he may have been involved or as to which he may have knowledge. Defendant further agrees to provide a complete statement to authorities of the United States concerning such matters prior to sentencing or at any other time that may be requested by the United States Attorney, other attorneys of the United States of America, or the Internal Revenue Service. Defendant agrees to submit to supplemental debriefings on such matters whenever requested by those authorities. This paragraph creates no obligation on the part of the United States to debrief the Defendant, nor does it confer any right on the Defendant to be debriefed.

7. If such guilty pleas are entered and not withdrawn, and Defendant, ARTHUR E. SCHLICHTER, acts in accordance with all other terms of this agreement, the United States Attorney for the Southern District of Ohio agrees not to file additional criminal charges against the Defendant based on his activities charged in the Information or based on other activity related to wire fraud, bank fraud, and the filing of a false tax returns in the Southern District of Ohio occurring prior to the date of the Information and as to which the Defendant gives testimony or makes statements pursuant to this agreement.

8. Defendant ARTHUR E. SCHLICHTER waives his right to appeal the sentence in this case, including the appeal right conferred by 18 U.S.C. § 3742. Notwithstanding the foregoing, Defendant retains any right to appeal his sentence if the United States appeals the

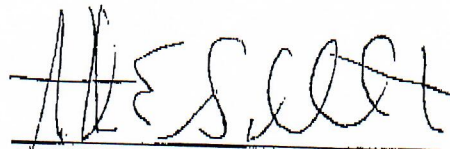
sentence, or if the Court imposes a sentence that is inconsistent with that specified in paragraph 4 of this agreement. This waiver shall not be construed to bar a claim by Defendant of ineffective assistance of counsel or prosecutorial misconduct.

9. Defendant ARTHUR E. SCHLICHTER is guilty in fact and agrees to the truth of the facts alleged in the Information. Defendant further agrees to the truth of the statement of facts that is attached to this plea agreement and incorporated herein.

10. No additional promises, agreements, or conditions have been made relative to this matter other than those expressly set forth herein, and none will be made unless in writing and signed by all parties.

9-26-11

Date

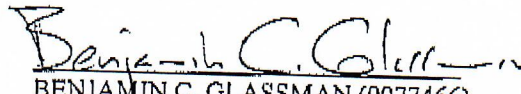


ARTHUR E. SCHLICHTER  
Defendant



STEVEN S. NOLDER (0037795)  
Attorney for Defendant Schlichter  
100 West Broad St., Suite 1020  
Columbus, Ohio 43215  
(614) 469-2999

CARTER M. STEWART  
UNITED STATES ATTORNEY



BENJAMIN C. GLASSMAN (0077466)  
Assistant United States Attorney  
221 East Fourth Street, Suite 400  
Cincinnati, Ohio 45202  
(513) 684-3711