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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA

United States of America,

 Plaintiff,

 vs.

 I. Jacob Matthew Medina,

 Defendant.

CR 19-00329-01-PHX-DLR (DMF)

PLEA AGREEMENT

Plaintiff, United States of America, and the defendant, Jacob Matthew Medina, hereby agree to dispose of this matter on the following terms and conditions:

1. PLEA

The defendant will plead guilty to Count One of the indictment charging the defendant with a violation of 21 United States Code (U.S.C.) § 846, § 841(a)(1), (b)(1)(A)(vi), and (b)(1)(B)(i), Conspiracy to Possess with Intent to Distribute Controlled Substances, a Class A felony offense.

2. MAXIMUM PENALTIES

a. A violation of 21 U.S.C. § 846, § 841(a)(1), (b)(1)(A)(vi), and (b)(1)(B)(i), is punishable by a maximum fine of \$10,000,000, a minimum term of imprisonment of at least 10 years up to life, or both a fine and a term of imprisonment, and a term of supervised release of at least five years and up to life.

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1 b. According to the Sentencing Guidelines issued pursuant to the Sentencing
2 Reform Act of 1984, the Court shall order the defendant to:

3 (1) make restitution to any victim of the offense pursuant to 18 U.S.C.
4 § 3663 and/or 3663A, unless the Court determines that restitution would not be
5 appropriate;

6 (2) pay a fine pursuant to 18 U.S.C. § 3572, unless the Court finds that a
7 fine is not appropriate;

8 (3) serve a term of supervised release when required by statute or when a
9 sentence of imprisonment of more than one year is imposed (with the understanding that
10 the Court may impose a term of supervised release in all other cases); and

11 (4) pay upon conviction a \$100 special assessment for each count to
12 which the defendant pleads guilty pursuant to 18 U.S.C. § 3013.

13 c. The Court is required to consider the Sentencing Guidelines in determining
14 the defendant's sentence. However, the Sentencing Guidelines are advisory, and the Court
15 is free to exercise its discretion to impose any reasonable sentence up to the maximum set
16 by statute for the crime(s) of conviction, unless there are stipulations to the contrary that
17 the Court accepts.

18 d. The defendant understands and acknowledges that pleading guilty may result
19 in the termination or denial of certain food stamp, social security, and other benefits for
20 defendant and the defendant's immediate family pursuant to 21 U.S.C. §§ 862 and 862a.

21 **3. AGREEMENTS REGARDING SENTENCING**

22 a. Recommendation: Acceptance of Responsibility. Pursuant to Fed. R. Crim.
23 P. 11(c)(1)(B), if the defendant makes full and complete disclosure to the U.S. Probation
24 Office of the circumstances surrounding the defendant's commission of the offense, and if
25 the defendant demonstrates an acceptance of responsibility for this offense up to and
26 including the time of sentencing, the United States will recommend a two-level reduction
27 in the applicable Guidelines sentencing offense level pursuant to U.S.S.G. § 3E1.1(a). If
28 the defendant has an offense level of 16 or more, the United States will move for an

1 additional one-level reduction in the applicable Sentencing Guidelines offense level
2 pursuant to U.S.S.G. § 3E1.1(b).

3 b. Non-Binding Recommendations. The defendant understands that
4 recommendations are not binding on the Court. The defendant further understands that the
5 defendant will not be permitted to withdraw the guilty plea if the Court does not follow a
6 recommendation.

7 c. Stipulation: Chapter 2 Guidelines Calculation. Pursuant to Fed. R. Crim. P.
8 11(c)(1)(C), the United States and the defendant stipulate and agree that defendant's
9 Chapter 2 Base Offense Level will be 30, pursuant to U.S.S.G. § 2D1.1(a)(5), (c)(5).

10 d. Stipulation. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States and
11 defendant stipulate that defendant's sentence shall not exceed 204 months (17 years) of
12 imprisonment. This stipulated sentencing cap will not change based on departures
13 considered under U.S.S.G. § 1B1.1(b). Nothing in this agreement shall preclude defendant
14 from moving for a downward departure, variance, or sentence below the cap, or the court
15 from imposing a sentence below the cap.

16 e. Assets and Financial Responsibility. The defendant shall make a full
17 accounting of all assets in which the defendant has any legal or equitable interest. The
18 defendant shall not (and shall not aid or abet any other party to) sell, hide, waste, spend, or
19 transfer any such assets or property before sentencing, without the prior approval of the
20 United States (provided, however, that no prior approval will be required for routine, day-
21 to-day expenditures). The defendant also expressly authorizes the United States Attorney's
22 Office to immediately obtain a credit report as to the defendant in order to evaluate the
23 defendant's ability to satisfy any financial obligation imposed by the Court. The defendant
24 also shall make full disclosure of all current and projected assets to the U.S. Probation
25 Office immediately and prior to the termination of the defendant's supervised release or
26 probation, such disclosures to be shared with the U.S. Attorney's Office, including the
27 Financial Litigation Unit, for any purpose. Finally, the defendant shall participate in the
28 Inmate Financial Responsibility Program to fulfill all financial obligations due and owing

1 under this agreement and the law.

2 **4. AGREEMENT TO DISMISS OR NOT TO PROSECUTE**

3 a. Pursuant to Fed. R. Crim. P. 11(c)(1)(A), the United States, at the time of
4 sentencing, shall dismiss the following charges: **Counts 2, 3, 4, and 5 of the indictment.**

5 b. This agreement does not, in any manner, restrict the actions of the United
6 States in any other district or bind any other United States Attorney's Office.

7 **5. COURT APPROVAL REQUIRED; REINSTITUTION OF PROSECUTION**

8 a. If the Court, after reviewing this plea agreement, concludes that any
9 provision contained herein is inappropriate, it may reject the plea agreement and give the
10 defendant the opportunity to withdraw the guilty plea in accordance with Fed. R. Crim. P.
11 11(c)(5).

12 b. If the defendant's guilty plea or plea agreement is rejected, withdrawn,
13 vacated, or reversed at any time, this agreement shall be null and void, the United States
14 shall be free to prosecute the defendant for all crimes of which it then has knowledge and
15 any charges that have been dismissed because of this plea agreement shall automatically
16 be reinstated. In such event, the defendant waives any and all objections, motions, and
17 defenses based upon the Statute of Limitations, the Speedy Trial Act, or constitutional
18 restrictions in bringing later charges or proceedings. The defendant understands that any
19 statements made at the time of the defendant's change of plea or sentencing may be used
20 against the defendant in any subsequent hearing, trial, or proceeding subject to the
21 limitations of Fed. R. Evid. 410.

22 **6. WAIVER OF DEFENSES AND APPEAL RIGHTS**

23 The defendant waives (1) any and all motions, defenses, probable cause
24 determinations, and objections that the defendant could assert to the indictment or
25 information; and (2) any right to file an appeal, any collateral attack, and any other writ or
26 motion that challenges the conviction, an order of restitution or forfeiture, the entry of
27 judgment against the defendant, or any aspect of the defendant's sentence, including the
28 manner in which the sentence is determined, including but not limited to any appeals under

1 18 U.S.C. § 3742 (sentencing appeals) and motions under 28 U.S.C. §§ 2241 and 2255
2 (habeas petitions), and any right to file a motion for modification of sentence, including
3 under 18 U.S.C. § 3582(c). This waiver shall result in the dismissal of any appeal,
4 collateral attack, or ~~other~~ motion the defendant might file challenging the conviction, order
5 of restitution or forfeiture, or sentence in this case. This waiver shall not be construed to
6 bar an otherwise-preserved claim of ineffective assistance of counsel or of “prosecutorial
7 misconduct” (as that term is defined by Section II.B of Ariz. Ethics Op. 15-01 (2015)).

8 **7. DISCLOSURE OF INFORMATION**

9 a. The United States retains the unrestricted right to provide information and
10 make any and all statements it deems appropriate to the U.S. Probation Office and to the
11 Court in connection with the case.

12 b. Any information, statements, documents, and evidence that the defendant
13 provides to the United States pursuant to this agreement may be used against the defendant
14 at any time.

15 c. The defendant shall cooperate fully with the U.S. Probation Office. Such
16 cooperation shall include providing complete and truthful responses to questions posed by
17 the U.S. Probation Office including, but not limited to, questions relating to:

- 18 (1) criminal convictions, history of drug abuse, and mental illness; and
19 (2) financial information, including present financial assets or liabilities
20 that relate to the ability of the defendant to pay a fine or restitution.

21 **8. FORFEITURE, CIVIL, AND ADMINISTRATIVE PROCEEDINGS**

22 a. Nothing in this agreement shall be construed to protect the defendant from
23 administrative or civil forfeiture proceedings or prohibit the United States from proceeding
24 with and/or initiating an action for civil forfeiture. Pursuant to 18 U.S.C. § 3613, all
25 monetary penalties, including restitution imposed by the Court, shall be due immediately
26 upon judgment, shall be subject to immediate enforcement by the United States, and shall
27 be submitted to the Treasury Offset Program so that any federal payment or transfer of
28 returned property the defendant receives may be offset and applied to federal debts (which

1 offset will not affect the periodic payment schedule). If the Court imposes a schedule of
2 payments, the schedule of payments shall be merely a schedule of minimum payments and
3 shall not be a limitation on the methods available to the United States to enforce the
4 judgment.

5 **9. ELEMENTS**

6 **COUNT ONE: Conspiracy to Possess with Intent to Distribute Controlled**
7 **Substances**

8 I agree and admit that the United States can prove each of the following elements
9 of Count One of the Indictment, Conspiracy to Possess with Intent to Distribute Controlled
10 Substances, including 400 grams or more of a mixture or substance containing a detectable
11 amount of N-Phenyl-N-[1-(2,-phenylethyl)-4-5 piperidinyl] propanamide (fentanyl), a
12 Schedule II controlled substance, and 100 grams or more of heroin, a Schedule I controlled
13 substance.

14 (1) On or before October 17, 2012, and continuing up to and including
15 March 4, 2019, there was an agreement between two or more persons in the District of
16 Arizona and elsewhere to commit the crime of Possession with Intent to Distribute
17 Controlled Substances.

18 (2) I joined in the agreement knowing of its purpose and intending to help
19 accomplish that purpose.

20 (3) The quantity of drugs involved in the conspiracy were 400 grams or
21 more of a mixture or substance containing a detectable amount of fentanyl and 100 grams
22 or more of heroin.

23 I understand that the crime of Conspiracy to Possess with Intent to Distribute a
24 Controlled Substance is committed by simply agreeing to take part in the underlying crime
25 of Possession with Intent to Distribute a Controlled Substance, and intending to help
26 complete that crime. I further understand that agreeing with others with the intent to
27 complete the underlying crime is the criminal act called Conspiracy, and it does not matter
28 if the underlying crime is actually completed.

1 In this case, the underlying crime I agreed to commit, that is, Possession with Intent
2 to Distribute a Controlled Substance, is committed when a person possesses a controlled
3 substance within the District of Arizona; and the person possesses it with the intent to
4 deliver it to another person.

5 **10. FACTUAL BASIS**

6 a. The defendant admits that the following facts are true and that if this matter
7 were to proceed to trial the United States could prove the following facts beyond a
8 reasonable doubt:

9 On December 4, 2018, in Arizona, I knowingly mailed a package containing four
10 grams of heroin to a customer who had placed an order responding to an
11 advertisement by dark net vendor "Ghost831." Between December 4, 2018 and
12 March 4, 2019, I mailed other packages for Ghost831, and I knew at the time I
13 mailed them that they contained controlled substances intended for delivery to
14 another person. In order to mail these packages, I obtained controlled substances,
15 packaging material, and mailing supplies that I kept at my residence. I also kept at
16 my residence customer lists with package tracking numbers. On March 4, 2019, in
17 connection with fulfilling orders placed with Ghost831, and in furtherance of my
18 agreement with others to commit the crime of Possession with Intent to Distribute
19 Controlled Substances, I knowingly and voluntarily possessed the following items,
20 among others, at my residence at 15429 N. 62nd Dr., Glendale, AZ:

- 21 o 13.1 grams of blue pills stamped "M30," containing a schedule II controlled
22 substance;
- 23 o \$31,000 of U.S. currency;
- 24 o One Ruger .380 pistol, serial no. 371569880;
- 25 o 29 sealed parcels found to contain a total of 311.9 grams of blue pills stamped
26 "M30," containing a schedule II controlled substance;
- 27 o Customer mailing lists, including customer information for [C.K.], 3
28 Jonathan Dr., Conway, AR 72032;

- 1 o 190.1 grams of blue pills stamped "M30," containing a schedule II controlled
- 2 substance; and
- 3 o Approximately 1.4 lbs of heroin, subsequently found to be 617.2 grams of
- 4 heroin hydrochloride.

5 Laboratory testing of the pills stamped "M30" found that they contained a mixture

6 or substance containing fentanyl.

7 b. The defendant shall swear under oath to the accuracy of this statement and,

8 if the defendant should be called upon to testify about this matter in the future, any

9 intentional material inconsistencies in the defendant's testimony may subject the defendant

10 to additional penalties for perjury or false swearing, which may be enforced by the United

11 States under this agreement.

12 **APPROVAL AND ACCEPTANCE OF THE DEFENDANT**

13 I, Jacob Matthew Medina, have read the entire plea agreement, or it has been read

14 to me, with the assistance of my attorney. I understand each of its provisions and I

15 voluntarily agree to it.

16 I have discussed the case and my constitutional and other rights with my attorney.

17 I understand that by entering my plea of guilty I shall waive my rights to plead not guilty,

18 to trial by jury, to confront, cross-examine, and compel the attendance of witnesses, to

19 present evidence in my defense, to remain silent and refuse to be a witness against myself

20 by asserting my privilege against self-incrimination, all with the assistance of counsel, and

21 to be presumed innocent until proven guilty beyond a reasonable doubt.

22 I agree to enter my guilty plea as indicated above on the terms and conditions set

23 forth in this agreement.

24 I have been advised by my attorney of the nature of the charges to which I am

25 entering my guilty plea. I have further been advised by my attorney of the nature and range

26 of the possible sentence and that my ultimate sentence shall be determined by the Court

27 after consideration of the advisory Sentencing Guidelines.

28

1 My guilty plea is not the result of force, threats, assurances, or promises, other than
2 the promises contained in this agreement. I voluntarily agree to the provisions of this
3 agreement and I agree to be bound according to its provisions.

4 I understand that if I am granted probation or placed on supervised release by the
5 Court, the terms and conditions of such probation/supervised release are subject to
6 modification at any time. I further understand that if I violate any of the conditions of my
7 probation/supervised release, my probation/supervised release may be revoked and upon
8 such revocation, notwithstanding any other provision of this agreement, I may be required
9 to serve a term of imprisonment or my sentence otherwise may be altered.


10 This written plea agreement, and any written addenda filed as attachments to this
11 plea agreement, contain all the terms and conditions of the plea. Any additional
12 agreements, if any such agreements exist, shall be recorded in a separate document and
13 may be filed with the Court under seal; accordingly, additional agreements, if any, may not
14 be in the public record.

15 I further agree that promises, including any predictions as to the Sentencing
16 Guideline range or to any Sentencing Guideline factors that will apply, made by anyone
17 (including my attorney) that are not contained within this written plea agreement, are null
18 and void and have no force and effect.

19 I am satisfied that my defense attorney has represented me in a competent manner.

20 I fully understand the terms and conditions of this plea agreement. I am not now
21 using or under the influence of any drug, medication, liquor, or other intoxicant or
22 depressant that would impair my ability to fully understand the terms and conditions of this
23 plea agreement.

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26 5/3/21
27 Date _____

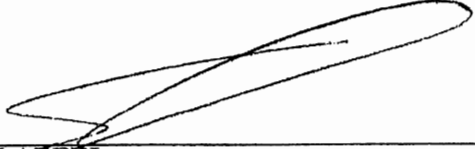
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26 Jacob Matthew Medina
27 Defendant

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APPROVAL OF DEFENSE COUNSEL

I have discussed this case and the plea agreement with my client in detail and have advised the defendant of all matters within the scope of Fed. R. Crim. P. 11, the constitutional and other rights of an accused, the factual basis for and the nature of the offense to which the guilty plea will be entered, possible defenses, and the consequences of the guilty plea including the maximum statutory sentence possible. I have further discussed the concept of the advisory Sentencing Guidelines with the defendant. No assurances, promises, or representations have been given to me or to the defendant by the United States or any of its representatives that are not contained in this written agreement. I concur in the entry of the plea as indicated above and that the terms and conditions set forth in this agreement are in the best interests of my client. I agree to make a bona fide effort to ensure that the guilty plea is entered in accordance with all the requirements of Fed. R. Crim. P. 11.

5/3/21
Date _____

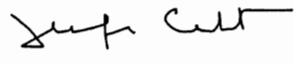


SETH APPEL
Attorney for Defendant

APPROVAL OF THE UNITED STATES

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth herein are appropriate and are in the best interests of justice.

5/20/21
Date _____


PAUL ANTHONY MARTIN
Acting United States Attorney
District of Arizona


KEITH E. VERCAUTEREN
JENNIFER A. CORBET
Assistant U.S. Attorneys

ACCEPTANCE BY THE COURT

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Date 1/4/2022



HONORABLE DOUGLAS E. RAYES
United States District Judge