



**U.S. Department of Justice**

*United States Attorney  
District of Connecticut*

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October 26, 2007

Hubert Santos, Esq.  
Santos & Seeley P.C.  
51 Russ Street  
Hartford, CT 06106

**Re: United States v. William White, et. al.  
Criminal No. 3:07CR90(JBA)**

**United States v. William White  
Criminal No. 3:07CR89(JBA)**

Dear Mr. Santos:

This letter confirms the plea agreement entered into between your client, William White (the "defendant"), and the United States Attorney's Office for the District of Connecticut (the "Government") concerning the referenced criminal matter.

**THE PLEA AND OFFENSE**

William White agrees to plead guilty to Count One of the Indictment which charges him with Conspiracy to Commit Bribery in violation of Title 18 U.S.C. § 371 together with the Supplemental Information which charges him with Criminal Forfeiture as well as Counts One and Two of the Indictment which charge him with Theft of Government Property in violation of Title 18 U.S.C. § 641. He understands that to be guilty of these offenses, the following essential elements must be satisfied:

**Conspiracy To Commit Federal Bribery:**

1. That in the District of Connecticut and elsewhere, defendant William White, other persons (collectively referred to as the Individuals), and others entered into an unlawful agreement as charged in Count One of the Indictment, namely that from at least 2006, William White, an agent of local government, did knowingly, willfully and corruptly conspire to solicit, demand and agree to accept things of value from the Individuals with the intent to be influenced and rewarded in connection with the business, transactions and series of transactions of state and local government, that is the New Haven Police Department and the Connecticut State Police, in violation of Title 18 U.S.C. § 666(a)(1)(B). See Stipulation of Offense at ¶2.

2. That William White knowingly and willfully became a member of the conspiracy.
3. That William White and others knowingly committed at least one of the overt acts charged in the Indictment.
4. That the overt acts were committed to further some objective of the conspiracy.

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**Theft of Government Property**

1. The money described in the Indictment belonged to the United States; Government;
2. The defendant stole that money;
3. The defendant acted knowingly and willfully with the intent to deprive the Government of the use and benefit of its money; and
4. The value of the money or property was greater than \$1,000.

**THE PENALTIES**

The offense of bribery conspiracy carries a maximum penalty of 5 years imprisonment and a \$250,000 fine. The theft of government property carries a maximum penalty of ten years imprisonment and a \$250,000 fine. In addition, under 18 U.S.C. § 3583, for both the bribery conspiracy and the theft of government property charges, the Court may impose a term of supervised release of not more than three years, to begin at the expiration of any term of imprisonment imposed. The defendant understands that should he violate any condition of the supervised release during its term, he may be required to serve a further term of imprisonment equal to two years with no credit for the time already spent on supervised release.

The defendant also is subject to the alternative fine provision of 18 U.S.C. § 3571. Under this section, the maximum fine that may be imposed on the defendant is the greatest of the following amounts: (1) twice the gross gain to the defendant resulting from the offense; (2) twice the gross loss resulting from the offense; or (3) \$250,000.

In addition, the defendant is obligated by 18 U.S.C. § 3013 to pay a special assessment of \$100.00 on each count of conviction. The defendant agrees to pay the special assessment to the Clerk of the Court on the day of the guilty plea.

Finally, unless otherwise ordered, should the Court impose a fine of more than \$2,500 as part of the sentence, interest will be charged on the unpaid balance of a fine amount not paid within 15 days after the judgment date. 18 U.S.C. § 3612(f). Other penalties and fines may be assessed on the unpaid balance of a fine pursuant to 18 U.S.C. §§3572 (h), (I) and § 3612(g).

Restitution

In addition to the other penalties provided by law, the Court may also order that the defendant make restitution under 18 U.S.C. §3663A. The Government and the defendant agree that the defendant will make restitution in the amount of \$15,505.00, which represents that portion of the stolen government funds kept by the defendant (\$15,105.00) and that portion of the stolen funds from Starr Street, New Haven, Connecticut (\$400.00). The defendant agrees to satisfy his obligation to pay restitution on or before the day of sentencing.

Forfeiture

Pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461(c), and based on his commission of the illegal act of Conspiracy to Commit Bribery in violation of Title 18 U.S.C. § 371, the defendant agrees to forfeit \$ 10,200.00, which represents the defendant's proceeds derived from the bribery conspiracy.

The defendant agrees to consent to the entry of an order of forfeiture for the above-specified money judgment amount and agrees that the filing of the Supplemental Information charging him with forfeiture satisfies the notice requirements of Federal Rules of Criminal Procedure 7(c)(2) and 32.2(a). The defendant acknowledges that he understands that the forfeiture of assets is part of the sentence that may be imposed in this case and waives his rights, if any, to have the notice of forfeiture as set forth in the Supplemental Information presented to a grand jury.

The defendant agrees to hold the United States, its agents and employees harmless from any claims whatsoever in connection with the seizure or forfeiture of the above-listed assets covered by this agreement. The defendant further agrees to waive all constitutional and statutory challenges in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this plea agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment. The defendant also understands and agrees that by virtue of his plea of guilty, he waives any rights or cause of action to claim that he is a "substantially prevailing party" for the purpose of recovery of attorney fees and other litigation costs in any related forfeiture proceeding pursuant to 28 U.S.C. § 2465(b)(1).

**THE SENTENCING GUIDELINES**

i. Applicability

The defendant understands that although application of the United States Sentencing Guidelines is not mandatory, they are advisory and the Court is required to consider any applicable Sentencing Guidelines as well as other factors enumerated in 18 U.S.C. § 3553(a) to tailor an appropriate sentence in this case. *See United States v. Booker*, 543 U.S. 220 (2005). The defendant expressly understands and agrees that the Sentencing Guideline determinations will be made by the Court, by a preponderance of the evidence, based upon input from the defendant, the Government, and the United States Probation Officer who prepares the

presentence investigation report. The defendant further understands that he has no right to withdraw his guilty plea if his sentence or the Guideline application is other than he anticipated.

\_\_\_\_\_ ii      Acceptance of Responsibility

At this time, the Government agrees to recommend that the Court reduce by two levels the defendant's Adjusted Offense Level under section §3E1.1(a) of the Sentencing Guidelines, based on the defendant's prompt recognition and affirmative acceptance of personal responsibility for the offense. Moreover, the Government intends to file a motion with the Court pursuant to §3E1.1(b) recommending that the Court reduce defendant's Adjusted Offense Level by one additional level based on the defendant's timely notification of his intention to enter a plea of guilty thus avoiding the time and expense of a lengthy trial. This recommendation is conditioned upon the defendant's full, complete, and truthful disclosure to the Probation Office of information requested, of the circumstances surrounding his commission of the offense, of his criminal history, and of his financial condition by submitting a complete and truthful financial statement. The defendant expressly understands that the Court is not obligated to accept the Government's recommendation on the reduction.

The Government will not make this recommendation if the defendant engages in any acts which (1) indicate that the defendant has not terminated or withdrawn from criminal conduct or associations (Sentencing Guideline section §3E1.1); (2) could provide a basis for an adjustment for obstructing or impeding the administration of justice (Sentencing Guideline §3C1.1); or (3) constitute a violation of any condition of release. Moreover, the Government will not make this recommendation if the defendant seeks to withdraw his plea of guilty. The defendant expressly understands that he may not withdraw his plea of guilty if, for the reasons explained above, the Government does not make this recommendation.

iii      Stipulation

Pursuant to section 6B1.4 of the Sentencing Guidelines, the defendant and the Government have entered into a stipulation which is attached to and made a part of this plea agreement. The defendant understands that this stipulation does not purport to set forth all of the relevant conduct and characteristics that may be considered by the Court for purposes of sentencing. The defendant expressly understands that this stipulation is not binding on the Court. The defendant also understands that the Government and the United States Probation Office are obligated to advise the Court of any additional relevant facts that subsequently come to their attention.

iv.      Guideline Stipulation

The Government and the defendant calculate the defendant's applicable Sentencing Guidelines as follows: The counts are grouped together under § 3D1.2(d) into a single groups because the offense levels are determined largely on the basis of the total amount of harm or loss. See United States v. Gordon, 291 F.3d 181, 189 (2d Cir. 2002); U.S.S.G. § 3D1.3, comment (n.6). The figure used to compute the adjusted offense levels under the applicable sections of the guideline is obtained by combining the losses due to the bribery conspiracy and the theft of

government property, that is \$ \$10,200 (bribe money kept by the defendant) and \$15,105 (government funds stolen and kept by the defendant) The total loss is, therefore, \$24,305.

With respect to the conspiracy to commit bribery, the Government and the defendant stipulate that the base offense level under U.S.S.G. § 2C1.1 is 14. Two levels are added under U.S.S.G. § 2C1.1(b) for more than one bribe, 4 levels are added under U.S.S.G. § 2C1.1(b)(2) based on the value of the bribes (greater than \$10,000 but less than \$30,000), and 4 levels are added under U.S.S.G. § 2C1.1(b)(3) because the offense involved a public official in a sensitive position. Thus, the defendant's offense level for conspiracy to commit bribery is 24.

With respect to the theft of government property charge, the base offense level under U.S.S.G. § 2B1.1 is 6. Four levels are added under U.S.S.G. § 2B1.1(b)(1) for the loss amount that is greater than \$10,000 but less than \$ 30,000. Two levels are added under U.S.S.G. § 3B1.3 for abuse of a position of private trust, resulting in an adjusted offense level of 12.

Pursuant to U.S.S.G. § 3D1.3(b), the offense guideline that produces the highest offense level based on the aggregate quantity of the loss is the bribery guideline, and the applicable offense level, therefore is 24. Three levels are subtracted under U.S.S.G. § 3E1.1 for acceptance of responsibility, as noted above, resulting in a total offense level of 21. A total offense level of 21, with a criminal history category I, which the parties calculate the defendant to be, results in a range of 37-46 months' imprisonment (sentencing table) and a fine range of \$ 7,500 to \$ 75,000. (U.S.S.G. § 5E1.2(c)(3)).

Notwithstanding the foregoing, it is understood that the parties are free at sentencing to argue for any sentence they deem appropriate. The defendant reserves the right to argue for a downward departure on various grounds, including but not limited to that he saved the lives of individuals during the time that he served as a police officer for the City of New Haven. See United States v. Acosta, 846 F.Supp. 278 (N.D.N.Y. 1994). The government reserves the right to object to any downward departure arguments advanced by the defendant.

The defendant expressly understands that the Court is not bound by this agreement on the Guideline and fine ranges specified above. The defendant further expressly understands that he will not be permitted to withdraw the pleas of guilty if the Court imposes a sentence outside the Guideline range or fine range set forth in this agreement.

In the event the Probation Office or the Court contemplates any sentencing calculations different from those stipulated by the parties, the parties reserve the right to respond to any inquiries and make appropriate legal arguments regarding the proposed alternate calculations. Moreover, the Government and the defendant expressly reserve the right to challenge or defend any sentencing determination, other than that stipulated to by the parties, in any post-sentencing proceeding.

v. Appeal Rights Regarding Sentencing

The parties reserve their respective rights to appeal and to oppose each other's appeal of the sentence imposed as permitted by statute except, as noted above, the defendant agrees to waive all constitutional and statutory challenges on any grounds (including that the forfeiture constitutes an excessive fine or punishment) and in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this plea agreement.

vi. Information to the Court

The Government and the defendant expressly reserve the right to make all available sentencing arguments to the Court and to address the Court with respect to an appropriate sentence to be imposed in this case. Moreover, it is expressly understood that the Government will discuss the facts of this case, including information regarding the defendant's background and character, 18 U.S.C. § 3661, with the United States Probation Office and will provide the Probation Officer with access to its file, with the exception of grand jury material.

**WAIVER OF RIGHTS**

Waiver of Trial Rights and Consequences of Plea

The defendant understands that he has the right to be represented by an attorney at every stage of the proceeding and, if necessary, one will be appointed to represent him.

The defendant understands that he has the right to plead not guilty or to persist in that plea if it has already been made, the right to a public trial, the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against him, the right not to be compelled to incriminate himself, and the right to compulsory process for the attendance of witnesses to testify in his defense. The defendant understands that by pleading guilty he waives and gives up those rights and that, if the plea of guilty is accepted by the Court, there will not be a further trial of any kind.

The defendant understands that if he pleads guilty, the Court may ask him questions about each offense to which he pleads guilty, and if he answers those questions falsely under oath, on the record, and in the presence of counsel, his answers may later be used against him in a prosecution for perjury or making false statements.

Waiver of Statute of Limitations

The defendant understands and agrees that should the conviction following his pleas of guilty pursuant to this plea agreement be vacated for any reason, then any prosecution that is not time-barred by the applicable statute of limitations on the date of the signing of this plea agreement (including any indictment or counts the Government has agreed to dismiss at sentencing pursuant to this plea agreement) may be commenced or reinstated against defendant, notwithstanding the expiration of the statute of limitations between the signing of this plea

agreement and the commencement or reinstatement of such prosecution. The defendant agrees to waive all defenses based on the statute of limitations with respect to any prosecution that is not time-barred on the date the plea agreement is signed.

### **ACKNOWLEDGEMENT OF GUILT; VOLUNTARINESS OF PLEA**

The defendant acknowledges that he is entering into this agreement and is pleading guilty freely and voluntarily because he is guilty. The defendant further acknowledges that he is entering into this agreement without reliance upon any discussions between the Government and him (other than those described in this plea agreement letter), without promise of benefit of any kind (other than the concessions contained in the plea agreement letter), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges his understanding of the nature of the offenses to which he is pleading guilty, including the penalties provided by law. The defendant also acknowledges his complete satisfaction with the representation and advice received from his undersigned attorney. The defendant and his undersigned counsel are unaware of any conflict of interest concerning counsels' representation of the defendant in the case.

The defendant expressly acknowledges that he is not a "prevailing party" within the meaning of Public Law 105-119, section 617 ("the Hyde Amendment") with respect to the count of conviction or any other count or charge that may be dismissed pursuant to this agreement. The defendant voluntarily, knowingly, and intelligently waives any rights he may have to seek reasonable attorney's fees and other litigation expenses under the Hyde Amendment.

### **SCOPE OF THE AGREEMENT**

The defendant acknowledges and understands that this agreement is limited to the undersigned parties and cannot bind any other federal authority, or any state or local authority. The defendant acknowledges that no representations have been made to him with respect to any civil or administrative consequences that may result from this plea of guilty because such matters are solely within the province and discretion of the specific administrative or governmental entity involved. Finally, the defendant understands and acknowledges that this agreement has been reached without regard to any civil tax matters that may be pending or which may arise involving him.

### **COLLATERAL CONSEQUENCES**

The defendant further understands that he will be adjudicated guilty of each offense to which he has pleaded guilty and will be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to possess firearms. The defendant understands that pursuant to section 203(b) of the Justice For All Act, the Bureau of Prisons or the Probation Office will collect a DNA sample from the defendant for analysis and indexing.

**SATISFACTION OF FEDERAL CRIMINAL LIABILITY; BREACH**

The defendant's guilty plea, if accepted by the Court, will satisfy the federal criminal liability of the defendant in the District of Connecticut as a result of his participation in the criminal conduct set forth in the Indictments in the cases identified as 3:07CR89(JBA) and 3:07CR89(JBA).

In view of the proposed resolutions outlined in this plea agreement, the Government agrees at the time of the defendant's sentencing to move to dismiss the remaining counts of the Indictment in which the defendant is named.

The defendant understands that if, before sentencing, he violates any term or condition of this agreement, engages in any criminal activity, or fails to appear for sentencing, the Government may void all or part of this agreement. If the agreement is voided in whole or in part, defendant will not be permitted to withdraw his pleas of guilty.

**NO OTHER PROMISES**

The defendant acknowledges that no other promises, agreements, or conditions have been entered into other than those set forth in this plea agreement and none will be entered into unless set forth in writing, signed by all the parties.

This letter shall be presented to the Court, in open court, and filed in this case.

Very truly yours,

KEVIN J. O'CONNOR  
UNITED STATES ATTORNEY

NORA R. DANNEHY  
ASSISTANT UNITED STATES ATTORNEY

The defendant certifies that he has read this plea agreement letter and its attachment(s) or has had it read or translated to him, that he has had ample time to discuss this agreement and its attachment(s) with counsel and that he fully understands and accepts its terms.

\_\_\_\_\_  
William White  
The Defendant

\_\_\_\_\_  
Date

I have thoroughly read, reviewed and explained this plea agreement and its attachment(s) to my client who advises me that he understands and accepts its terms.

\_\_\_\_\_  
Hubert Santos, Esq.  
Attorney for the Defendant

\_\_\_\_\_  
Date



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STIPULATION OF OFFENSE CONDUCT

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The defendant William White and the Government stipulate and agree to the following offense conduct that gives rise to the defendant's agreement to plead guilty to Count One of the Indictment as well as the Supplemental Information in 3:07CR90(JBA) and Counts One and Two of the Indictment in 3:07CR89(JBA):

1. At all times relevant to this Indictment, William White was a Police Officer with the New Haven Police Department. From approximately June 2003 through March 13, 2007, White was the Supervisor of the Narcotics Enforcement Unit for the New Haven Police Department. From approximately July 2006 through March 13, 2007, a Connecticut State Police Sergeant was acting in an undercover capacity ("UCE"). At all times relevant to this Indictment, William White and the UCE were local and state agents as those terms are defined in 18 U.S.C. §§666(d)(1) and 666(d)(3).

2. From at least 2006 to on or about March 13, 2007, in the District of Connecticut and elsewhere, defendant William White, other persons (collectively referred to as "the Individuals"), together with others, entered into an unlawful agreement as charged in Count One of the Indictment, namely that William White, as an agent of City of New Haven, did knowingly, willfully and corruptly conspire to solicit, demand and agree to accept things of value intending to be influenced in connection with the business, transactions and series of transactions of the New Haven Police Department, in violation of Title 18 U.S.C. § 666(a)(1)(B).

It is the Government's position that the defendant's participation in the conspiracy predates 2006 and that the conspiracy commenced in approximately 2002.

3. Specifically, William White agreed with the Individuals and others to use his official position in order to provide the Individuals and their companies confidential information and preferential treatment, including but not limited to, finding fugitives for and steering clients to the Individuals and their related companies in exchange for corrupt payments from the Individuals.

4. Between July 2006 and March 2007, the Individuals provided White and the UCE with approximately \$24,400. in cash in exchange for White and the UCE using their official positions to locate fugitives whose apprehension meant that the Individuals would not be required to pay the State of Connecticut as a result of the bonds being forfeited. Defendant White split the cash with the UCE, keeping \$10,200 for himself.

5. On or about November 9, 2006, during the execution of a search warrant on Truman Street in New Haven, Connecticut, the defendant agreed to take \$2,000 from a bedroom. The UCE had planted the \$2,000 and, and the money in fact belonged to the Federal Bureau of Investigation (FBI). Subsequent to the search, the defendant and the UCE split the stolen funds and defendant White kept \$1,000.

6. On or about January 31, 2007, as part of a “sting” operation, the FBI arranged to place a large sum of money in a rental car and for a supposed “informant” to tell the UCE and White that there was money stashed there. The car was wired for sound and for video, as was the UCE. Once the UCE and White found the car, the UCE received information from the “informant” that the car would be left in the lot overnight. The defendant then discussed whether he and the UCE should search the car. Defendant White was very concerned that the car could be seen by some cameras mounted on a nearby building, and that it was still daylight. White proceeded to search the trunk of the car. From the trunk, William White removed a paper bag that contained approximately \$27,500 in cash, which belonged to the FBI. Defendant White brought the bag back to the UCE’s car, where White looked inside and saw thousands of dollars of cash. The defendant discussed his belief that, if he stole the money, the UCE’s “informant” would be killed as a result. Eventually William White decided to keep several stacks of money (about \$5000), and to put the rest back in the trunk of the car. At defendant’s White’s suggestion, several hours after leaving the scene, White and the UCE returned. The defendant continued to discuss stealing the money as well the safety of the informant. Defendant White ultimately decided to steal the rest of the money. William White pulled a sweatshirt “hoodie” over his head, and tied a scarf around his head, to cover his face and put on gloves. Defendant White went back to the car and stole the bag containing the rest of the Government funds. When the defendant returned to the UCE’s car, he again expressed concern about the near-by cameras. Defendant White split the money between himself and the UCE. The defendant took, in total, approximately \$14,105 for himself, and gave approximately \$13,395 to the UCE.

7. On or about February 16, 2007, a part of the scheme to deprive the citizens of New Haven of his honest services, the defendant stole \$800.00 belonging to a resident of New Haven. Specifically, on February 16, 2007, White, the UCE, and other law enforcement officers executed an arrest warrant in New Haven. The officers located the subject and chased him into a residence located on Starr Street. While in the house, the UCE noticed a sum of cash in an open drawer in the bedroom. The UCE asked another officer to ask the defendant to come into the room. Defendant White entered the room and the UCE showed him the money. The defendant indicated to the UCE that he should take the money. In response, the UCE placed the cash, which later was determined to be \$800, in his pocket, while defendant White watched him do so. Later on the same day, the UCE met the defendant at the New Haven Police Department parking garage. The UCE gave defendant White \$400 in cash, which was his half of the \$800 that they had stolen earlier in the day. William White referred to the cash as “spending money” and placed the \$400 in his pocket.

8. The defendant and the government agree that the \$10,200 defendant received between August 2006 and January 2007, as set forth in Count One of the Indictment 3:07CR90(JBA), is derived from proceeds traceable to violations of Title 18 U.S.C. § 371 (conspiracy to commit federal program bribery, in violation of 18 U.S.C. § 666). The defendant agrees to consent to the entry of an order of forfeiture for the above-specified money judgment amount and agrees that the filing of the Supplemental Information charging him with forfeiture satisfies the notice requirements of Federal Rules of Criminal Procedure 7(c)(2) and 32.2(a). The defendant acknowledges that he understands that the forfeiture of assets is part of the sentence that may be

*Hubert Santos, Esq.*

*October 26, 2007*

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imposed in this case and waives his rights, if any, to have the notice of forfeiture as set forth in the Supplemental Information presented to a grand jury.

The written stipulation above is incorporated into the preceding plea agreement. It is understood, however, that the defendant and the Government reserve their right to present additional relevant offense conduct to the attention of the Court in connection with sentencing

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William White  
The Defendant

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Nora R. Dannehy  
Assistant United States Attorney

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Hubert Santos, Esq.  
Attorney for the Defendant