

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR: 421-199
	)	
BRANDON LAMAR WILLIAMS	)	

PLEA AGREEMENT

Defendant Brandon Lamar Williams, represented by Defendant's counsel Joseph Williams, and the United States of America, represented by Assistant United States Attorney Chris Howard, have reached a plea agreement in this case. The terms and conditions of that agreement are as follows.

1. **Guilty Plea**

Defendant agrees to enter a plea of guilty to Counts One, Three and Eight of the Second Superseding Indictment, which charge violations of 18 U.S.C. § 1343 and 21 U.S.C. § 844.

2. **Elements and Factual Basis**

The elements necessary to prove the offense charged in Count One are (1) the Defendant knowingly devised or participated in a scheme to defraud some by using false or fraudulent pretenses, representations, or promises; (2) the false pretenses, representations, or promises were about a material fact; (3) the Defendant acted with the intent to defraud; and (4) the Defendant transmitted or caused to be transmitted by wire some communication in interstate commerce to help carry out the scheme to defraud.

The elements necessary to prove the offenses charged in Counts Three and Eight are (1) the Defendant possessed marihuana, a controlled substance, and 2) the Defendant did so knowingly.

Defendant agrees that he is, in fact, guilty of these offenses. The Defendant agrees to the accuracy of the following facts, which satisfy each of the offense's required elements:

As to Count One, beginning in or about April 2021 until in or about June 2021, in the Southern District of Georgia, and elsewhere, Defendant did knowingly devise and intend to devise a scheme and artifice to defraud, and to obtain money and property, by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and artifice and to obtain money and property, caused interstate communications to be made over the Internet, in furtherance of the scheme and artifice to defraud, in violation of 18 U.S.C. § 1343.

In furtherance of this scheme, and to effect the objects thereof, Defendant caused to be submitted loan applications through the Payroll Protection Program (PPP) that contained false statements about a sole proprietorship. In particular, on or about May 3, 2021 and May 20, 2021, Defendant caused to be submitted electronic PPP loan applications to PPP lenders located outside the State of Georgia. Such applications falsely affirmed, among other information, that Defendant had a business in operation on Feb. 15, 2020, which had \$99,654 in gross income in 2019. Defendant knew these assertions to be false.

In reliance on false representations made in Defendant's PPP application, Fountainhead SBF LLC deposited money by means of interstate wire communication into a financial account controlled by Defendant.

As to Counts Three and Eight, on or about August 9, 2021, and January 10, 2022, in Chatham County, within the Southern District of Georgia, the Defendant knowingly and intentionally possessed marihuana, a Schedule I controlled substance. Before committing these offenses, Defendant had the following final convictions for felony drug offenses, namely Possession of Cocaine Base in U.S. District Court, Southern District of Georgia case number 4:17-CR-262-7, in violation of 21 U.S.C. § 844(a), and Possession of a Controlled Substance in Chatham County, Georgia, Superior Court, case number 15-CR-2462-J4, in violation of O.C.G.A. § 16-13-30(a).

3. Possible Sentence

Defendant's guilty plea will subject the Defendant to the following maximum possible sentence. As to Count One: 20 years' imprisonment, 3 years' supervised release, a \$250,000 fine, such restitution as may be ordered by the Court, and forfeiture of all forfeitable assets. As to each of Counts Three and Eight: 3 years' imprisonment, 1 year of supervised release, a fine not less than \$5,000 nor more than \$250,000 fine, such restitution as may be ordered by the Court, and forfeiture of all forfeitable assets. Defendant's guilty plea to Counts Three and Eight will subject Defendant to a mandatory minimum sentence of 90 days' imprisonment.

The Court additionally must impose a \$100 special assessment per count of conviction.

4. No Promised Sentence

No one has promised Defendant that the Court will impose any particular sentence or a sentence within any particular range. The Court is not bound by any estimate of sentence given or recommendations made by Defendant's counsel, the government, the U.S. Probation Office, or anyone else. The Court may impose a sentence up to the statutory maximum. Defendant will not be allowed to withdraw Defendant's plea of guilty if the Defendant receives a more severe sentence than the Defendant expects.

5. Court's Use of Sentencing Guidelines

The Court is obligated to use the United States Sentencing Guidelines to calculate the applicable guideline range for Defendant's offense. The Sentencing Guidelines are advisory; the Court is not required to impose a sentence within the range those Guidelines suggest. The Court will consider that range, possible departures under the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a), in determining the Defendant's sentence. The Sentencing Guidelines are based on all of Defendant's relevant conduct, pursuant to U.S.S.G. § 1B1.3, not just the conduct underlying the particular Count or Counts to which Defendant is pleading guilty.

6. Agreements Regarding Sentencing Guidelines

a. Use of Information

Nothing in this agreement precludes the government from providing full and accurate information to the Court and U.S. Probation Office for use in calculating the applicable Sentencing Guidelines range.

b. Acceptance of Responsibility

If the Court determines that Defendant qualifies for an adjustment under U.S.S.G. § 3E1.1(a), and the offense level prior to operation of § 3E1.1(a) is 16 or greater, the government will move for an additional one-level reduction in offense level pursuant to Section 3E1.1(b) based on Defendant's timely notification of the Defendant's intention to enter a guilty plea.

7. Dismissal of Other Counts & Recommendation for Concurrent Sentence

At sentencing, the government will move to dismiss any other Counts of the Indictment that remain pending against Defendant. Further, the Government agrees to recommend that Defendant's sentence on Counts 3 and 8 be served concurrently with one another.

8. Financial Obligations and Agreements

a. Restitution

The amount of restitution ordered by the Court shall include restitution for the full loss caused by Defendant's total criminal conduct. Restitution is not limited to the specific counts to which Defendant is pleading guilty. Any restitution judgment is intended to and will survive Defendant, notwithstanding the abatement of any underlying criminal conviction.

b. Special Assessment

Defendant agrees to pay a special assessment in the amount of \$300, payable to the Clerk of the United States District Court, which shall be due immediately at the time of sentencing.

9. Waivers

a. FOIA and Privacy Act Waiver

Defendant waives all rights, whether asserted directly or through a representative, to request or receive from any department or agency of the United States any record pertaining to the investigation or prosecution of this case under the authority of the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act of 1974, 5 U.S.C. § 552a, and all subsequent amendments thereto.

b. Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 Waiver

Rule 11(f) of the Federal Rules of Criminal Procedure and Rule 410 of the Federal Rules of Evidence ordinarily limit the admissibility of statements made by a Defendant during the course of plea discussions or plea proceedings. Defendant knowingly and voluntarily waives the protections of these rules. If Defendant fails to plead guilty, or Defendant's plea of guilty is later withdrawn, all of Defendant's statements in connection with this plea, and any leads derived therefrom, shall be admissible for any and all purposes.

10. Defendant's Rights

Defendant has the right to be represented by counsel, and if necessary have the court appoint counsel, at trial and at every other critical stage of the proceeding. Defendant possesses a number of rights which Defendant will waive by pleading

guilty, including: the right to plead not guilty, or having already so pleaded, to persist in that plea; the right to a jury trial; and the right at trial to confront and cross-examine adverse witnesses, to be protected from compelled self-incrimination, to testify and present evidence, and to compel the attendance of witnesses.

11. Satisfaction with Counsel

Defendant has had the benefit of legal counsel in negotiating this agreement. Defendant believes that Defendant's attorney has represented Defendant faithfully, skillfully, and diligently, and Defendant is completely satisfied with the legal advice given and the work performed by Defendant's attorney.

12. Breach of Plea Agreement

If Defendant fails to plead guilty, withdraws or attempts to withdraw Defendant's guilty plea, commits any new criminal conduct following the execution of this agreement, or otherwise breaches this agreement, the government is released from all of its agreements regarding Defendant's sentence, including any agreements regarding the calculation of Defendant's advisory Sentencing Guidelines. In addition, the government may declare the plea agreement null and void, reinstate any counts that may have been dismissed pursuant to the plea agreement, and/or file new charges against Defendant that might otherwise be barred by this plea agreement. Defendant waives any statute-of-limitations or speedy trial defense to prosecutions reinstated or commenced under this paragraph.

13. Entire Agreement

This agreement contains the entire agreement between the government and Defendant.

DAVID H. ESTES
UNITED STATES ATTORNEY

Date

Patricia G. Rhodes
Chief, Criminal Division

8-4-2022

Date



Chris Howard
Assistant United States Attorney

I have read and carefully reviewed this agreement with my attorney. I understand each provision of this agreement, and I voluntarily agree to it. I hereby stipulate that the factual basis set out therein is true and accurate in every respect.

8/3/2020
Date


Defendant Brandon Williams

I have fully explained to Defendant all of Defendant's rights, and I have carefully reviewed each and every part of this agreement with Defendant. I believe that Defendant fully and completely understands it, and that Defendant's decision to enter into this agreement is an informed, intelligent, and voluntary one.

8-3-2022
Date


Defendant's Attorney, Joseph Williams

UNITED STATES DISTRICT COURT
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BRANDON LAMAR WILLIAMS)

CR: 421-199

ORDER

The aforesaid Plea Agreement, having been considered by the Court in conjunction with the interrogation by the Court of the Defendant and the Defendant's attorney at a hearing on the Defendant's motion to change Defendant's plea and the Court finding that the plea of guilty is made freely, voluntarily and knowingly, it is thereupon,

ORDERED that the plea of guilty by Defendant be, and it is, hereby accepted and the foregoing Plea Agreement be, and it is, hereby ratified and confirmed.

This 8th day of DECEMBER 2022.



HON. WILLIAM T. MOORE, JR.
JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA