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12 UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15

16 UNITED STATES OF AMERICA,) CR No. SA CR 10-0046 AG
17)
Plaintiff,) PLEA AGREEMENT FOR DEFENDANT
18) PETER H. NORELL, JR.
v.)
19)
PETER H. NORELL, JR.,)
20)
Defendant.)
21)
22)

23 1. This constitutes the plea agreement between PETER H.
24 NORELL, JR., ("defendant") and the United States Attorney's
25 Office for the Northern District of California ("the USAO") in
26 the above-captioned case. This agreement is limited to the USAO,
27 which is responsible for prosecuting this matter on behalf of the
28 United States following recusal of the United States Attorney's

1 Office for the Central District of California, and cannot bind
2 any other federal, state or local prosecuting, administrative or
3 regulatory authorities.

4 PLEA

5 2. Defendant agrees to plead guilty to count one of the
6 information in United States v. Peter H. Norell, Jr., CR No SA CR
7 10-0046 AG.

8 NATURE OF THE OFFENSE

9 3. In order for defendant to be guilty of count one,
10 which charges a violation of Title 18, United States Code,
11 Section 1030(a)(2)(B), the following must be true: Defendant (1)
12 intentionally accessed a computer without authorization, or
13 intentionally exceeded authorized access to a computer; (2) and
14 thereby obtained information; (3) from any department or agency
15 of the United States. Defendant admits that he is, in fact,
16 guilty of this offense as described in count one of the
17 information.

18 PENALTIES

19 4. Pursuant to Title 18, United States Code, Section
20 1030(c)(2)(A), the statutory maximum sentence that the Court can
21 impose for a violation of Title 18, United States Code, Section
22 1030(a)(2)(B), is: 1 year imprisonment; a 1-year period of
23 supervised release; a fine of \$100,000; and a mandatory special
24 assessment of \$25.

25 5. Supervised release is a period of time following
26 imprisonment during which defendant will be subject to various
27 restrictions and requirements. Defendant understands that if
28

1 defendant violates one or more of the conditions of any
2 supervised release imposed, defendant may be returned to prison
3 for all or part of the term of supervised release, which could
4 result in defendant serving a total term of imprisonment greater
5 than the statutory maximum stated above.

6 6. Defendant also understands that, by pleading guilty,
7 defendant may be giving up valuable government benefits and
8 valuable civic rights, such as the right to vote, the right to
9 possess a firearm, the right to hold office, and the right to
10 serve on a jury.

11 7. Defendant further understands that the conviction in
12 this case may subject defendant to various collateral
13 consequences, including but not limited to deportation,
14 revocation of probation, parole, or supervised release in another
15 case, and suspension or revocation of a professional license.
16 Defendant understands that unanticipated collateral consequences
17 will not serve as grounds to withdraw defendant's guilty plea.

18 FACTUAL BASIS

19 8. Defendant and the USAO agree and stipulate to the
20 statement of facts provided below. This statement of facts is
21 sufficient to support a plea of guilty to the charge described in
22 this agreement and to establish the sentencing guideline factors
23 set forth in paragraph 11, below. It is not meant to be a
24 complete recitation of all facts relevant to the underlying
25 criminal conduct or all facts known to either party that relate
26 to that conduct.

27 Throughout 2005, Peter H. Norell, Jr., was a Special Agent
28 ("SA") with the Federal Bureau of Investigation ("FBI") in Santa

1 Ana, California, within the Central District of California. The
2 FBI is an agency of the United States. On August 23, August 29,
3 and September 2, 2005, Norell intentionally used an FBI computer
4 in his office to access FBI databases to search for information
5 about an individual, T.S. Norell thereby obtained information
6 from the FBI about T.S. as a result of his intentional access of
7 the FBI computer on those dates. Norell obtained the information
8 related to T.S. to assist a personal acquaintance's efforts to
9 collect a debt owed by T.S. to Norell's personal acquaintance
10 and, according to Norell's understanding, other investors. The
11 amount of the debt was in dispute between T.S. and Norell's
12 personal acquaintance. Although Norell never intended to and
13 never did initiate a legitimate FBI investigation into T.S.,
14 Norell threatened to initiate an FBI investigation into T.S. if
15 T.S. did not repay the debt. Norell communicated his threats to
16 initiate an FBI investigation to T.S. in multiple phone calls, as
17 well as in person when Norell went to T.S.'s home at 6:45 a.m. on
18 September 16, 2005. Norell was informed that T.S. thereafter
19 paid a portion of the debt to Norell's personal acquaintance.
20 Norell knew he was not authorized to obtain information from the
21 FBI computer for the purpose of assisting his personal
22 acquaintance in obtaining payment of the debt, and his access of
23 the FBI computer on the aforementioned dates therefore exceeded
24 his authorization in violation of 18 U.S.C. § 1030(a)(2)(B).

25 WAIVER OF CONSTITUTIONAL RIGHTS

26 9. By pleading guilty, defendant gives up the following
27 rights:

28 a) The right to persist in a plea of not guilty.

1 under the United States Sentencing Guidelines ("U.S.S.G." or
 2 "Sentencing Guidelines"), in determining defendant's sentence.
 3 Defendant further understands that the Sentencing Guidelines are
 4 advisory only, and that after considering the Sentencing
 5 Guidelines and the other § 3553(a) factors, the Court may be free
 6 to exercise its discretion to impose any reasonable sentence up
 7 to the maximum set by statute for the crime of conviction.

8 11. Defendant and the USAO agree and stipulate to the
 9 following applicable Sentencing Guidelines factors:

10	Base Offense Level	:	6	[U.S.S.G. § 2B1.1(a)(2)]
11	Specific Offense			
12	Characteristics			
13	(specify)	:	+2	[U.S.S.G. § 2B1.1(b)(16)(i)]
14	Adjustments			
15	(specify)	:	+2	[U.S.S.G. § 3B1.3]

16 Defendant and the USAO reserve the right to argue that additional
 17 specific offense characteristics, adjustments, and departures
 18 under the Sentencing Guidelines are appropriate.

19 12. There is no agreement as to defendant's criminal
 20 history or criminal history category.

21 13. Defendant and the USAO, pursuant to the factors set
 22 forth in 18 U.S.C. § 3553(a)(1), (a)(2), (a)(3), (a)(6), and
 23 (a)(7), further reserve the right to argue for a sentence outside
 24 the sentencing range established by the Sentencing Guidelines.

25 14. The stipulations in this agreement do not bind either
 26 the United States Probation Office or the Court. Both defendant
 27 and the USAO are free to: (a) supplement the facts by supplying
 28 relevant information to the United States Probation Office and

1 the Court, and (b) argue on appeal and collateral review that the
2 Court's Sentencing Guidelines calculations are not error,
3 although each party agrees to maintain its view that the
4 calculations in paragraph 11 are consistent with the facts of
5 this case.

6 DEFENDANT'S OBLIGATIONS

7 15. Defendant agrees that:

8 a) He will plead guilty as set forth in this agreement,
9 and will not ask the Court to withdraw his guilty plea at any
10 time after it is entered.

11 b) He will not knowingly and willfully fail to abide by
12 all sentencing stipulations contained in this agreement.

13 c) He will not knowingly and willfully fail to: (i)
14 appear for all court appearances, (ii) surrender as ordered for
15 service of sentence, (iii) obey all conditions of any bond, and
16 (iv) obey any other court order in this matter.

17 d) He will not commit any crime; however, offenses
18 which would be excluded for sentencing purposes under U.S.S.G.
19 § 4A1.2(c) are not within the scope of this agreement.

20 e) He will not knowingly and willfully fail to be
21 truthful at all times with Pretrial Services, the U.S. Probation
22 Office, and the Court.

23 f) He will pay the applicable special assessment at or
24 before the time of sentencing.

25 g) He will submit his written resignation to the FBI no
26 later than 5:00 p.m. on March 8, 2010, effective immediately.

27 h) He will not ask the Court for a continuance of his
28 sentencing hearing without the consent of the United States.

1 i) Upon execution of this agreement, (i) the stipulated
2 factual basis statement in paragraph 8 of this agreement; (ii)
3 any statements made by defendant, under oath, at the guilty plea
4 hearing; and (iii) any evidence derived from such statements, are
5 admissible against defendant in any further proceedings against
6 defendant, and defendant shall assert no claim under the United
7 States Constitution, any statute, Rule 410 of the Federal Rules
8 of Evidence, Rule 11(f) of the Federal Rules of Criminal
9 Procedure, or any other federal rule, that the statements or any
10 evidence derived from any statements should be suppressed or are
11 inadmissible.

12 THE USAO'S OBLIGATIONS

13 16. If defendant complies fully with all defendant's
14 obligations under this agreement, the USAO agrees:

15 a) To abide by all sentencing stipulations contained in
16 this agreement.

17 b) Except for criminal tax violations (including
18 conspiracy to commit such violations chargeable under 18 U.S.C.
19 § 371), not to further prosecute defendant for defendant's
20 conduct described in the stipulated factual basis set forth in
21 paragraph 8 above. Defendant understands that the USAO is free
22 to prosecute defendant for any other unlawful past conduct or any
23 unlawful conduct that occurs after the date of this agreement.
24 Defendant agrees that at the time of sentencing the Court may
25 consider uncharged conduct in determining the applicable
26 Sentencing Guidelines range, where the sentence should fall
27 within that range, the propriety and extent of any departure from
28 that range, and the determination of the sentence to be imposed

1 after consideration of the Sentencing Guidelines and all other
2 relevant factors.

3 c) At the time of sentencing, provided that defendant
4 demonstrates an acceptance of responsibility for the offense up
5 to and including the time of sentencing, to recommend a two-level
6 reduction in the applicable Sentencing Guideline offense level,
7 pursuant to U.S.S.G. § 3E1.1.

8 BREACH OF AGREEMENT

9 17. If defendant, at any time after the execution of this
10 agreement, knowingly violates or fails to perform any of
11 defendant's agreements or obligations under this agreement ("a
12 breach"), the USAO may declare this agreement breached. If the
13 USAO declares this agreement breached at any time following its
14 execution, and the Court finds such a breach to have occurred,
15 then: (a) if defendant has previously entered a guilty plea,
16 defendant will not be able to withdraw the guilty plea, and
17 (b) the USAO will be relieved of all of its obligations under
18 this agreement.

19 18. Following the Court's finding of a knowing breach of
20 this agreement by defendant, should the USAO elect to pursue any
21 charge against defendant, including but not limited to violations
22 of Title 18, United States Code, Sections 201(b)(2) and/or 872,
23 then:

24 a) Defendant agrees that any applicable statute of
25 limitations is tolled between the date of defendant's signing of
26 this agreement and the commencement of any such prosecution.

27 b) Defendant gives up all defenses based on the statute
28 of limitations, any claim of pre-indictment delay, or any speedy

1 trial claim with respect to any such prosecution or action,
2 except to the extent that such defenses existed as of the date of
3 defendant's signing this agreement.

4 WAIVER OF APPEAL

5 19. Defendant agrees to give up his right to appeal his
6 conviction, the judgment, and orders of the Court. He also
7 agrees to waive any right he may have to appeal any aspect of his
8 sentence, including any orders relating to forfeiture and/or
9 restitution. He agrees not to file any collateral attack on his
10 conviction or sentence, including a petition under 28 U.S.C.
11 § 2255 or 28 U.S.C. § 2241, or motion under 18 U.S.C. § 3582, at
12 any time in the future after he is sentenced, except for a claim
13 that his constitutional right to the effective assistance of
14 counsel was violated.

15 COURT NOT A PARTY

16 20. The Court is not a party to this agreement and need not
17 accept any of the USAO's sentencing recommendations or the
18 parties' stipulations. Even if the Court ignores any sentencing
19 recommendation, finds facts or reaches conclusions different from
20 any stipulation, and/or imposes any sentence up to the maximum
21 established by statute, defendant cannot, for that reason,
22 withdraw defendant's guilty plea, and defendant will remain bound
23 to fulfill all defendant's obligations under this agreement. No
24 one -- not the prosecutor, defendant's attorney, or the Court --
25 can make a binding prediction or promise regarding the sentence
26 defendant will receive, except that it will be within the
27 statutory maximum.

28

NO ADDITIONAL AGREEMENTS

21. Except as set forth herein, there are no promises, understandings or agreements between the USAO and defendant or defendant's counsel. Nor may any additional agreement, understanding or condition be entered into unless in a writing signed by all parties or on the record in court.

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

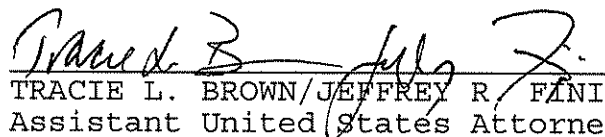
22. The parties agree and stipulate that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

This agreement is effective upon signature by defendant and an Assistant United States Attorney.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE NORTHERN DISTRICT OF CALIFORNIA

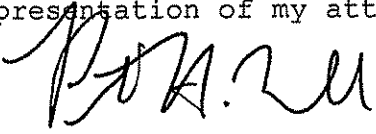
JOSEPH P. RUSSONIELLO
United States Attorney


TRACIE L. BROWN/JEFFREY R. FINIGAN
Assistant United States Attorneys

3-7-10
Date

I have read this agreement and carefully discussed every part of it with my attorneys. I understand the terms of this agreement, and I voluntarily agree to those terms. My attorneys have advised me of my rights, of possible defenses, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of the relevant Sentencing Guidelines provisions, and of the

1 consequences of entering into this agreement. No promises or
2 inducements have been given to me other than those contained in
3 this agreement. No one has threatened or forced me in any way to
4 enter into this agreement. Finally, I am satisfied with the
5 representation of my attorneys in this matter.

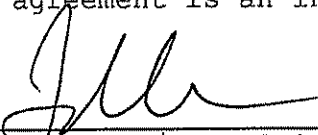
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7 _____
8 PETER H. NORELL, JR.
9 Defendant

03/07/2010

Date

10 I am one of the attorneys for Peter H. Norell, Jr. I have
11 carefully discussed every part of this agreement with my client.
12 Further, I have fully advised my client of his rights, of
13 possible defenses, of the sentencing factors set forth in 18
14 U.S.C. § 3553(a), of the relevant Sentencing Guidelines
15 provisions, and of the consequences of entering into this
16 agreement. To my knowledge, my client's decision to enter into
17 this agreement is an informed and voluntary one.

18 

19 _____
20 JOHN D. CLINE/THOMAS S. McCONVILLE
21 Counsel for Defendant
22 Peter H. Norell, Jr.

3/7/10

Date