

**U.S. Department of Justice**

Criminal Division

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*Public Integrity Section**Washington, D.C. 20530*

December 19, 2023

Lisa J. Stevenson  
Acting General Counsel  
Federal Election Commission  
1050 First Street, NE  
Washington, DC 20463

Re: MUR 7615 (Ryan Phillips)

Dear Ms. Stevenson:

In accordance with 52 U.S.C. § 30109(c), this is to inform you and the Commission that a guilty plea was entered today by Ryan Phillips, to one count of making a false statement to a federal agency, in the District of Nevada. *See United States v. Ryan Phillips*, No. 2:23-cr-217 (D. Nev.). Sentencing is scheduled for March 18, 2024. As all future proceedings in the case are expected to be public, this will be the final update on this matter by the Department pursuant to § 30109(c). A copy of the publicly filed information and plea agreement is attached.

Sincerely,

**ROBERT HEBERLE** Digitally signed by ROBERT HEBERLE  
Date: 2023.12.19 17:11:09 -05'00'

Robert J. Heberle  
Director, Election Crimes Branch  
Public Integrity Section

**FILED**  
  
DEC 19 2023  
  
US DISTRICT COURT  
DISTRICT OF NEVADA

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12 *Representing the United States of America*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 **UNITED STATES OF AMERICA,**  
16 **Plaintiff,**  
17 **v.**  
18 **RYAN PHILLIPS,**  
19 **Defendant.**

CASE NO. 2:23-cr-00217-JAD-DJA  
**CRIMINAL INFORMATION**  
**False Statements to a Federal Agency, 18 U.S.C. § 1001 and 2**

1 **THE UNITED STATES ATTORNEY CHARGES:**

2 **INTRODUCTION**

3 At all times relevant to this Information, unless otherwise specified:

4 1. COMPANY A was a corporation headquartered in the State of Nevada  
5 that provided accounting and legal compliance services for political campaigns and  
6 committees throughout the United States. On or about May 16, 2017, COMPANY A  
7 contracted to provide such services for the campaign committee of a candidate for  
8 United States Senate during the 2018 midterm elections (“COMMITTEE A”) and a  
9 political action committee affiliated with the same candidate (“COMMITTEE B”)  
10 (collectively “the COMMITTEES”). A political action committee is a committee orga-  
11 nized for the purpose of spending money to elect or defeat candidates for office.

12 2. RYAN PHILLIPS was a partner at COMPANY A and was assigned to  
13 handle the COMMITTEES’ accounts. PHILLIPS was charged with managing the  
14 COMMITTEES’ finances, making payments to vendors, and preparing reports of  
15 contributions and expenditures to the Federal Election Commission (“FEC”) as re-  
16 quired by federal law. As part of his duties, PHILLIPS was entrusted with access to  
17 the COMMITTEES’ bank accounts. This was solely for the purpose of allowing him  
18 to make payments authorized by the COMMITTEES. At no time was PHILLIPS au-  
19 thorized to appropriate the COMMITTEES’ funds for his personal use.

20 3. Beginning on or about September 10, 2018, and continuing until at  
21 least on or about February 20, 2019, PHILLIPS repeatedly misused the COMMIT-  
22 TEE’s funds for his own private purposes, including gambling at casinos and paying

1 his personal cable and energy bills. PHILLIPS' scheme included at least 234 unau-  
2 thorized transactions made with the COMMITTEES' funds, including debit card  
3 purchases, cash withdrawals, and checks written to himself. In total, PHILLIPS mis-  
4 appropriated at least \$185,278.04 from the COMMITTEES, including \$46,226.66  
5 from COMMITTEE A and \$139,051.38 from COMMITTEE B.

6 4. Under the Federal Election Campaign Act of 1971 (FECA), the COM-  
7 MITTEES were required to periodically report all receipts of contributions and dis-  
8 bursements of funds to ensure compliance with applicable campaign finance laws  
9 and allow public scrutiny of candidates for office. 52 U.S.C. §30104. As part of its  
10 contract with the COMMITTEES, COMPANY A was responsible for filing all re-  
11 quired reports with the FEC, as well as making weekly financial reports to the COM-  
12 MITTEES. These reports were prepared by PHILLIPS and filed by the COMMIT-  
13 TEES' Treasurer, who was also a partner at Company A.

14 5. To conceal his misappropriation of the COMMITTEES' funds, PHIL-  
15 LIPS made false and misleading weekly reports to the COMMITTEES, and prepared  
16 false and misleading reports to be filed by the Treasurer of the COMMITTEES with  
17 the FEC. In some instances, PHILLIPS misreported his unauthorized transactions  
18 as being for legitimate campaign expenses, such as "Office Supplies." In other in-  
19 stances, PHILLIPS grouped transactions together, misreported the recipients of the  
20 disbursements, or simply failed to report the transactions at all. In doing so, PHIL-  
21 LIPS caused the COMMITTEES on several occasions to make materially false state-  
22 ments to the FEC about the number, amounts, and purpose of their disbursements.

1  
2 **COUNT ONE**  
(False Statements to a Federal Agency)

3 6. The allegations set forth in paragraphs 1-5 of this Information are  
4 incorporated as though fully set forth herein.

5 7. On or about January 31, 2019, in the District of Nevada and elsewhere,  
6 in a matter within the jurisdiction of the Federal Election Commission, a department  
7 or agency of the United States Government,

8 **RYAN PHILLIPS,**

9 defendant herein, did knowingly and willfully cause to be made, a materially false,  
10 fictitious, and fraudulent statement and representation, to wit, the 2018 Year-End  
11 Report for COMMITTEE A filed with the FEC, which misstated the number,  
12 amounts, recipients, and purpose of disbursements made by COMMITTEE A in or-  
13 der to conceal the defendant's misappropriation of funds.

14 All in violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

15 **DATED:** This 14 day of November, 2023

16  
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United States Attorney  
18 District of Nevada

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Chief, Public Integrity Section  
United States Department of Justice

19 *Daniel R. Schiess*

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14 **UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**

15  
16 **UNITED STATES OF AMERICA,**

17 **Plaintiff,**

18 **v.**

19 **RYAN PHILLIPS,**

20 **Defendant.**

No. 2:23-cr-00217-JAD-DJA

**Plea Agreement Pursuant to Fed. R. Crim. P.  
11(c)(1)(A) and (B)**

21 This plea agreement between Ryan Phillips (“defendant”) and the United States  
22 Attorney’s Office for the District of Nevada and the Public Integrity Section (jointly referred to  
23 as “the DOJ”) sets forth the parties’ agreement regarding the criminal charges referenced herein  
24 and the applicable sentences and fines in the above-captioned case. This agreement binds only

1 defendant and the DOJ and does not bind the district court, the U.S. Probation Office, or any  
2 other federal, state, local, or foreign prosecuting, enforcement, administrative, or regulatory  
3 authorities. This agreement does not prohibit the DOJ or any agency or third party from seeking  
4 any other civil or administrative remedies, including administrative forfeiture or civil forfeiture *in*  
5 *rem* actions, directly or indirectly against defendant or defendant's property.

6 This agreement becomes effective upon signature by defendant, defendant's counsel, an  
7 Assistant United States Attorney, and an attorney from the Public Integrity Section.

8 **I. DEFENDANT'S OBLIGATIONS**

9 1. Defendant agrees to:

- 10 a. At the earliest opportunity requested by the DOJ and provided by the  
11 district court, appear and plead guilty to a Criminal Information charging him with one count of  
12 making a false statement to a federal agency in violation of Title 18, United States Code, Section  
13 1001.
- 14 b. Stipulate to the facts agreed to in this agreement;
- 15 c. Abide by all agreements regarding sentencing contained in this agreement;
- 16 d. Not seek to withdraw defendant's guilty plea once it is entered;
- 17 e. Appear for all court appearances, surrender as ordered for service of  
18 sentence, obey all conditions of any bond, and obey any other ongoing court order in this matter;
- 19 f. Not commit any federal, state, or local crime;
- 20 g. Be truthful always with the U.S. Probation and Pretrial Services Offices  
21 and the Court;
- 22 h. Before and after sentencing, upon request by the Court, the DOJ, or the  
23 Probation Office, provide accurate and complete financial information, submit sworn  
24 statements, and/or give depositions under oath concerning defendant's assets and defendant's

1 ability to pay. As part of the required disclosure, defendant agrees to provide all financial  
2 information and authorizations requested by the Probation Office for preparation of the  
3 Presentence Report. Defendant further agrees that, upon filing of this agreement, the DOJ is  
4 authorized to obtain defendant's credit report. Defendant will also complete a financial form  
5 provided by the DOJ, to include all supporting documentation, and return it to the DOJ within  
6 three (3) weeks from entry of the plea. Defendant agrees that the district court may enter any  
7 order necessary to effectuate or facilitate disclosure of defendant's financial information; and

8 i. To facilitate payment of any fine, restitution, assessment, or surrender of  
9 assets, defendant agrees to voluntarily release funds and property under defendant's control or in  
10 which defendant has any property interest, before and after sentencing, to pay any fine or  
11 restitution identified in this agreement, agreed to by the parties, or ordered by the Court.

## 12 II. THE DOJ'S OBLIGATIONS

13 2. The DOJ agrees to:

14 a. Stipulate to facts agreed to in this agreement;  
15 b. Abide by all agreements regarding sentencing contained in this agreement;  
16 c. At sentencing, provided that defendant demonstrates an acceptance of  
17 responsibility for the offense up to and including the time of sentencing, recommend a two-level  
18 reduction in the applicable sentencing guidelines offense level, pursuant to USSG § 3E1.1, and  
19 move for an additional one-level reduction if available under that section; and

20 d. Not bring any additional charges against defendant arising out of the  
21 factual basis set forth in this agreement. However, the DOJ reserves the right to prosecute  
22 defendant for (a) any crime of violence as defined by 18 U.S.C. § 16; and (b) any criminal tax  
23 violations (including conspiracy to commit such violations chargeable under 18 U.S.C. § 371).  
24 Defendant agrees that the district court at sentencing may consider any uncharged conduct in



1 determining the applicable sentencing guidelines range, the propriety and extent of any departure  
2 from that range, and the sentence to be imposed after consideration of the sentencing guidelines  
3 and all other relevant factors under 18 U.S.C. § 3553(a).

### 4 III. ELEMENTS OF THE OFFENSES

5 3. The elements of a violation of 18 U.S.C. §§ 1001 and 2, in the context of a false  
6 statement made to the FEC, are:

7 **First**, the defendant caused another to make a false statement;

8 **Second**, the false statement was made in a matter that was within the jurisdiction of  
9 the Federal Election Commission;

10 **Third**, the false statement was material to the decisions or activities of the FEC; that  
11 is, it had the natural tendency to influence, or was capable of influencing, the FEC's decisions or  
12 activities; and

13 **Fourth**, the defendant acted willfully, that is, the defendant acted deliberately and  
14 with knowledge both that the statement was untrue and that his conduct was unlawful.

15 *See, e.g. United States v. Whittemore*, 776 F.3d 1074 (9th Cir. 2015); Ninth Circuit Manual of Model  
16 Jury Instructions, Criminal 24.10 (2022 ed.).

### 17 IV. CONSEQUENCES OF CONVICTION

18 4. **Maximum and Minimum Statutory Penalties:** Defendant understands that the  
19 statutory maximum sentence the district court can impose for a violation of 18 U.S.C. § 1001 is  
20 not more than 5 years, a three-year period of supervised release; a fine of \$250,000, or twice the  
21 gross gain or gross loss resulting from the offense, whichever is greatest; and a mandatory special  
22 assessment of \$100.

23 5. **Parole Abolished:** Defendant acknowledges that defendant's prison sentence  
24 cannot be shortened by early release on parole because parole has been abolished.

1           6.       **Supervised Release:** Defendant understands that supervised release is a period of  
2 time following imprisonment during which defendant will be subject to various restrictions and  
3 requirements. Defendant understands that if defendant violates one or more of the conditions of  
4 any supervised release imposed, defendant may be returned to prison for all or part of the term of  
5 supervised release authorized by statute for the offenses that resulted in the term of supervised  
6 release, which could result in defendant serving a total term of imprisonment greater than the  
7 statutory maximum stated above.

8           7.       **Factors under 18 U.S.C. § 3553:** Defendant understands that the district court  
9 must consider the factors set forth in 18 U.S.C. § 3553(a) in determining defendant's sentence.  
10 However, the statutory maximum sentence and any statutory minimum sentence limit the  
11 district court's discretion in determining defendant's sentence.

12           8.       **Potential Collateral Consequences of Conviction:** Defendant understands that,  
13 by pleading guilty, defendant may be giving up valuable government benefits and valuable civic  
14 rights, such as the right to vote, the right to possess a firearm, the right to hold office, and the  
15 right to serve on a jury. Defendant understands that once the district court accepts defendant's  
16 guilty plea, it will be a federal felony for defendant to possess a firearm or ammunition.  
17 Defendant understands that the conviction in this case may also subject defendant to various  
18 other collateral consequences, including but not limited to revocation of probation, parole, or  
19 supervised release in another case and suspension or revocation of a professional license.  
20 Defendant understands that unanticipated collateral consequences will not serve as grounds to  
21 withdraw defendant's guilty pleas.

22           9.       **Potential Removal/Deportation Consequences of Conviction:** Defendant  
23 understands that, if defendant is not a United States citizen, the felony conviction in this case  
24 may subject defendant to removal, also known as deportation, which may, under some

1 circumstances, be mandatory; denial of citizenship; and denial of admission to the United States  
2 in the future. The district court cannot advise defendant fully regarding the immigration  
3 consequences of the felony conviction in this case, but defendant's attorney has advised him  
4 about the deportation risks of his guilty plea. Defendant understands that unexpected  
5 immigration consequences will not serve as grounds to withdraw defendant's guilty pleas.

#### 6 V. FACTUAL BASIS

7 10. Defendant admits that defendant is, in fact, guilty of the offense to which  
8 defendant is agreeing to plead guilty. Defendant acknowledges that if defendant elected to go to  
9 trial instead of pleading guilty, the DOJ could prove defendant's guilt beyond a reasonable  
10 doubt. Defendant further acknowledges that defendant's admissions and declarations of fact set  
11 forth below satisfy every element of the charged offense. Defendant waives any potential future  
12 claim that the facts defendant admits below are insufficient to satisfy the elements of the charged  
13 offense. Defendant admits and declares under penalty of perjury that the facts set forth below are  
14 true and correct:

15 a. At all times relevant to the information, the defendant was a partner at  
16 Company A, a Nevada-based firm that performs accounting and compliance services for political  
17 campaigns throughout the United States. In or around May 2017, Company A was contracted  
18 by Candidate A, who was running for United States Senate, to manage the finances of the  
19 candidate's campaign and political action committees ("the Committees"). A political action  
20 committee is a committee organized for the purpose of raising and spending money to elect and  
21 defeat candidates for office. The defendant was assigned to manage both accounts, including  
22 making payments to vendors and preparing reports of contributions and expenditures to the  
23 Federal Election Commission ("FEC"), as required by federal law.

24

1           b.     In late February 2019, an internal audit by Company A revealed that the  
2 defendant had misappropriated at least \$185,278.04 from the Committees, including \$139,051.38  
3 from Candidate A's political action committee and \$46,226.66 from the campaign committee.  
4 The defendant had repeatedly misused the Committees' funds for his own private purposes,  
5 including gambling at casinos and paying his personal cable and energy bills. The defendant's  
6 scheme included at least 234 unauthorized transactions, including electronic transfers, checks  
7 written to himself, cash withdrawals, and debit card purchases, beginning in September 2018 and  
8 continuing until the defendant was caught in February 2019. ~~When confronted by the other~~  
9 ~~partners of Company A, the defendant admitted that he had knowingly misappropriated the~~  
10 ~~funds.~~

11           c.     Under federal law, the Committees were required to report all receipts of  
12 contributions and disbursements of funds to the FEC to ensure compliance with campaign  
13 finance laws and to allow public scrutiny of candidates for office. The senatorial campaign was  
14 required to make these reports on a quarterly basis and the political action committee on a semi-  
15 annual basis. As part of his work with Company A, the defendant helped draft the FEC reports  
16 for the Committees. These reports were within the jurisdiction of the FEC and had a natural  
17 tendency to influence the FEC in the performance of its official duties. Company A also made  
18 weekly financial reports to the Committees as part of the terms of its contract. The Committees  
19 relied on these financial reports to make their reports to the FEC.

20           d.     As part of his scheme to defraud and to conceal his conversion of the  
21 Committees' funds, the defendant misreported many of his unauthorized transactions – to the  
22 Committees who then subsequently falsely reported the transactions to the FEC, as well as in  
23 drafts of the FEC reports that he prepared for the Committees to file – as being for legitimate  
24 campaign purposes, such as "Travel" or "Office Supplies." In other instances, the defendant

1 grouped transactions together, misreported the recipient of the disbursement, or simply failed to  
 2 report the transactions at all. In doing so, the defendant caused the Committees to make  
 3 materially false statements to the FEC about the amounts, number, recipients, and purpose of  
 4 their disbursements. The defendant knew that his misstatements would cause the Committees to  
 5 make materially false statements to the FEC and that his conduct was unlawful.

6 e. As one example, on or about January 31, 2019, the campaign committee  
 7 filed a required "Year End Report" with the FEC, covering the period of 11/27/18 to 12/31/18.  
 8 As a result of the defendant's misrepresentations, this report was substantially inaccurate.  
 9 Defendant misreported numerous unauthorized debit card charges to a variety of vendors during  
 10 the month of December as a legitimate payment to Anthem in the amount of \$3013.03.  
 11 Defendant did not report multiple other debit card transactions, unauthorized cash withdrawals,  
 12 and electronic transfers to the campaign committee at all. On or about December 31, 2021, the  
 13 campaign committee filed an amended Year-End Report to reflect \$10,452.81 in unauthorized  
 14 disbursements by Phillips.

15 f. The defendant was entrusted with access to the Committees' bank accounts  
 16 for the sole purpose of making pre-authorized payments to vendors for services rendered to the  
 17 Committees. If the defendant had disclosed to the Committees his unauthorized transactions and  
 18 their true purpose, the Committees would not have permitted the defendant to use their funds.  
 19 At the time that the defendant made the fraudulent reports to the Committees and helped draft  
 20 fraudulent reports for submission to the FEC, the defendant was aware that they were fraudulent  
 21 and contained materially false statements and omitted facts, and he did so willfully and  
 22 deliberately and with knowledge both that the statements were untrue and that his conduct was  
 23 unlawful. The defendant was also aware that federal law prohibits the conversion of campaign  
 24 contributions to personal use.

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g. All of the defendant's false statements, including the 2018 Year-End Report to the FEC on January 31, 2019, as well as each of his unauthorized transactions made with the Committees' funds, were made in the District of Nevada.

**VI. SENTENCING FACTORS**

11. **Discretionary Nature of Sentencing Guidelines:** Defendant understands that in determining Defendant's sentence, the district court is required to calculate the applicable sentencing guidelines range and to consider that range, possible departures under the sentencing guidelines, and the other sentencing factors set forth in 18 U.S.C. § 3553(a). Defendant understands that the sentencing guidelines are advisory only, that defendant cannot have any expectation of receiving a sentence within the calculated sentencing guidelines range, and that after considering the sentencing guidelines and the other § 3553(a) factors, the district court will be free to exercise its discretion to impose any sentence it finds appropriate between the mandatory minimum and up to the maximum set by statute for the crime of conviction.

12. **Offense Level Calculations:** The parties jointly agree and stipulate that, in calculating defendant's advisory guidelines sentencing range, the Court should use the following base offense level and adjustments; acknowledge that these stipulations do not bind the district court; and agree that they will not seek to apply or advocate for the use of any other base offense level or any other specific offense characteristics, enhancements, or reductions in calculating the advisory guidelines range.



1           **False Statements, 18 U.S.C. § 1001**

2	Base Offense Level (USSG § 2B1.1(a)(1)):	6
3	Loss Amount: More than \$150,000	+10
4	(USSG § 2B1.1(f)(1)(F))	
5	Acceptance of Responsibility (USSG § 3E1.1)	-3
6	Adjusted Offense Level	13
7	Total Offense Level	13

8           **13. Reduction for Acceptance of Responsibility:** Under USSG § 3E1.1(a), the DOJ  
 9 will recommend that defendant receive a two-level downward adjustment for acceptance of  
 10 responsibility unless defendant (a) fails to truthfully admit facts establishing a factual basis for the  
 11 guilty plea when defendant enters the plea; (b) fails to truthfully admit facts establishing the  
 12 amount of restitution owed when defendant enters the guilty plea; (c) fails to truthfully admit  
 13 facts establishing the forfeiture allegations when defendant enters the guilty plea; (d) provides  
 14 false or misleading information to the DOJ, the Court, Pretrial Services, or the Probation Office;  
 15 (e) denies involvement in the offense or provides conflicting statements regarding defendant's  
 16 involvement or falsely denies or frivolously contests conduct relevant to the offenses; (f) attempts  
 17 to withdraw defendant's guilty plea; (g) commits or attempts to commit any crime; (h) fails to  
 18 appear in court; or (i) violates the conditions of pretrial release.

19           **14.** Under USSG § 3E1.1(b), if the district court determines that defendant's total  
 20 offense level before operation of § 3E1.1(a) is 16 or higher, and if the DOJ recommends a two-  
 21 level downward adjustment pursuant to the preceding paragraph, the DOJ will move for an  
 22 additional one-level downward adjustment for acceptance of responsibility before sentencing  
 23 because defendant communicated defendant's decision to plead guilty in a timely manner that  
 24 enabled the DOJ to avoid preparing for trial and to efficiently allocate its resources.

1           15.     **Criminal History Category.** Defendant acknowledges that the district court may  
2 base defendant's sentence in part on defendant's criminal record or criminal history. The district  
3 court will determine defendant's criminal history category under the sentencing guidelines. In  
4 the event that the defendant's number of criminal history points is found to be zero and meeting  
5 other qualifications, the parties agree that an additional two-level downward adjustment to the  
6 Offense Level under USSG § 4C1.1 shall apply, resulting in a Total Offense Level of 11.

7           16.     **Additional Sentencing Information:** The stipulated sentencing guidelines  
8 calculations are based on information now known to the parties. Defendant understands that  
9 both defendant and the DOJ are free to (a) supplement the facts in this agreement by supplying  
10 relevant information to the U.S. Probation and Pretrial Services Offices and the district court  
11 regarding the nature, scope, and extent of defendant's criminal conduct and any aggravating or  
12 mitigating facts or circumstances; and (b) correct any and all factual misstatements relating to the  
13 district court's sentencing guidelines calculations and determination of sentence. While this  
14 paragraph permits both the DOJ and defendant to submit full and complete factual information  
15 to the U.S. Probation and Pretrial Services Offices and the district court, even if that factual  
16 information may be viewed as inconsistent with the facts agreed to in this agreement, this  
17 paragraph does not affect defendant's and the DOJ's obligations not to contest the facts agreed to  
18 in this agreement. Good faith efforts to provide truthful information or to correct factual  
19 misstatements shall not be grounds for defendant to withdraw defendant's guilty pleas.

20           Defendant acknowledges that the U.S. Probation Office may calculate the sentencing  
21 guidelines differently and may rely on additional information it obtains through its investigation.  
22 Defendant also acknowledges that the district court may rely on this and other additional  
23 information as it calculates the sentencing guidelines range and makes other sentencing  
24



1 determinations, and the district court's reliance on such information shall not be grounds for  
2 defendant to withdraw defendant's guilty plea.

3 **VII. POSITIONS REGARDING SENTENCING**

4 17. The DOJ will be free to recommend any sentence within the advisory guideline  
5 range as determined by the district court. Defendant may argue for a downward variance  
6 pursuant to 18 U.S.C. § 3553.

7 18. Defendant acknowledges that the district court does not have to follow the  
8 recommendation of either party.

9 19. Notwithstanding its agreement to recommend a sentence as described above, the  
10 DOJ reserves its right to defend any lawfully imposed sentence on appeal or in any post-  
11 conviction litigation.

12 20. If defendant commits any act that results in the Court finding that defendant is  
13 not entitled to a downward adjustment for acceptance of responsibility, the DOJ is entitled to  
14 argue for any sentence it deems appropriate under 18 U.S.C. § 3553(a). In any such event,  
15 defendant remains bound by the provisions of this agreement and shall not have the right to  
16 withdraw defendant's guilty plea.

17 **VIII. WAIVER OF CONSTITUTIONAL RIGHTS**

18 21. Defendant understands that by pleading guilty, defendant gives up the following  
19 rights:

- 20 a. The right to persist in a plea of not guilty;
- 21 b. The right to a speedy and public trial by jury;
- 22 c. The right to be represented by counsel—and, if necessary, have the court  
23 appoint counsel—at trial. Defendant understands, however, that, defendant retains the right to  
24

1 be represented by counsel—and, if necessary, have the court appoint counsel—at every other  
2 stage of the proceeding;

3 d. The right to be presumed innocent and to have the burden of proof placed  
4 on the DOJ to prove defendant guilty beyond a reasonable doubt;

5 e. The right to confront and cross-examine witnesses against defendant;

6 f. The right to testify and to present evidence in opposition to the charges,  
7 including the right to compel the attendance of witnesses to testify;

8 g. The right not to be compelled to testify, and, if defendant chose not to  
9 testify or present evidence, to have that choice not be used against defendant; and

10 h. The right to pursue any affirmative defenses, Fourth Amendment or Fifth  
11 Amendment claims, and any other pretrial motions that have been filed or could be filed.

## 12 IX. WAIVER OF APPELLATE RIGHTS

13 22. **Waiver of Appellate Rights.** Defendant knowingly and expressly waives: (a) the  
14 right to appeal any sentence imposed within or below the applicable Sentencing Guideline range  
15 as determined by the district court; (b) the right to appeal the manner in which the district court  
16 determined that sentence on the grounds set forth in 18 U.S.C. § 3742; and (c) the right to appeal  
17 any other aspect of the conviction, including but not limited to the constitutionality of the  
18 statutes of conviction; any other aspect of the sentence; and any order of restitution or forfeiture.

19 23. Defendant reserves only the right to appeal any portion of the sentence that is an  
20 upward departure or variance from the applicable Sentencing Guideline range as determined by  
21 the district court.

22 24. **Waiver of Post-Conviction Rights.** Defendant also knowingly and expressly  
23 waives all collateral challenges, including any claims under 28 U.S.C. § 2255, to defendant's  
24

1 conviction, sentence, and the procedure by which the district court adjudicated guilt and  
2 imposed sentence, except non-waivable claims of ineffective assistance of counsel.

3       **25. Preservation of Evidence:** Defendant acknowledges that the DOJ and the  
4 agencies investigating this case are not obligated or required to preserve any evidence obtained in  
5 the investigation of this case.

6  
7                   **X. RESULT OF WITHDRAWAL OF GUILTY PLEA  
OR VACATUR/REVERSAL/SET-ASIDE OF CONVICTION**

8       **26. Consequence of withdrawal of guilty plea:** Defendant agrees that if, after  
9 entering guilty pleas pursuant to this agreement, defendant seeks to withdraw and succeeds in  
10 withdrawing defendant's guilty plea on any basis other than a claim and finding that entry into  
11 this agreement was involuntary, then (a) the DOJ will be relieved of all of its obligations under  
12 this agreement and (b) should the DOJ choose to pursue any charge that was either dismissed or  
13 not filed as a result of this agreement, then (i) any applicable statute of limitations will be tolled  
14 between the date of defendant's signing of this agreement and the filing commencing any such  
15 action; and (ii) defendant waives and gives up all defenses based on the statute of limitations,  
16 any claim of pre-indictment delay, or any speedy trial claim with respect to any such action,  
17 except to the extent that such defenses existed as of the date of defendant's signing this  
18 agreement.

19       **27. Consequence of vacatur, reversal, or set-aside:** Defendant agrees that if  
20 defendant's conviction is vacated, reversed, or set aside, both the DOJ and defendant will be  
21 released from all their obligations under this agreement, except that, should the DOJ choose to  
22 pursue any charge that was either dismissed or not filed as a result of this agreement, then (i) any  
23 applicable statute of limitations will be tolled between the date of defendant's signing of this  
24 agreement and the filing commencing any such action; and (ii) defendant waives and gives up all

1 defenses based on the statute of limitations, any claim of pre-indictment delay, or any speedy  
2 trial claim with respect to any such action, except to the extent that such defenses existed as of  
3 the date of defendant's signing this agreement.

4 **XI. BREACH OF AGREEMENT**

5 28. Defendant agrees that if, at any time after this agreement becomes effective,  
6 defendant knowingly violates or fails to perform any of defendant's obligations under this  
7 agreement ("a breach"), the DOJ may declare this agreement breached. All of defendant's  
8 obligations are material, a single breach of this agreement is sufficient for the DOJ to declare a  
9 breach, and defendant shall not be deemed to have cured a breach without the express agreement  
10 of the DOJ in writing. If the DOJ declares this agreement breached, and the district court finds  
11 such a breach to have occurred, then: (a) if defendant has previously entered guilty pleas  
12 pursuant to this agreement, defendant will remain bound by the provisions of this agreement and  
13 will not be able to withdraw the guilty pleas, and (b) the DOJ will be relieved of all its  
14 obligations under this agreement.

15 29. Following the Court's finding of a knowing breach of this agreement by defendant,  
16 should the DOJ choose to pursue any charge that was either dismissed or not filed as a result of  
17 this agreement, then:

18 c. Defendant agrees that any applicable statute of limitations is tolled between  
19 the date of defendant's signing of this agreement and the filing commencing any such action.

20 d. Defendant waives and gives up all defenses based on the statute of  
21 limitations, any claim of pre-indictment delay, or any speedy trial claim with respect to any such  
22 action, except to the extent that such defenses existed as of the date of defendant's signing this  
23 agreement.

24

1           e. Defendant agrees that: (i) any statements made by defendant, under oath,  
2 at the guilty plea hearing (if such a hearing occurred prior to the breach); (ii) the agreed to factual  
3 basis statement in this agreement; and (iii) any evidence derived from such statements, shall be  
4 admissible against defendant in any such action against defendant, and defendant waives and  
5 gives up any claim under the United States Constitution, any statute, Federal Rule of Evidence  
6 410, Federal Rule of Criminal Procedure 11(f), or any other federal rule, that the statements or  
7 any evidence derived from the statements should be suppressed or are inadmissible.

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9                           **XII. COURT AND UNITED STATES PROBATION  
AND PRETRIAL SERVICES OFFICE NOT PARTIES.**

10           30. Defendant understands that the Court and the U.S. Probation and Pretrial  
11 Services Office are not parties to this agreement and need not accept any of the DOJ's sentencing  
12 recommendations or the parties' agreements to facts or sentencing factors.

13           31. Defendant understands that both defendant and the DOJ are free to argue on  
14 appeal and collateral review that the district court's sentencing guidelines calculations and the  
15 sentence it chooses to impose are not error.

16           32. Defendant understands that even if the district court ignores any sentencing  
17 recommendation, finds facts or reaches conclusions different from those agreed to by the parties,  
18 or imposes any sentence up to the maximum established by statute, defendant cannot, for that  
19 reason, withdraw defendant's guilty plea, and defendant will remain bound to fulfill all  
20 defendant's obligations under this agreement. Defendant understands that no one—not the  
21 prosecutor, defendant's attorney, or the Court—can make a binding prediction or promise  
22 regarding the sentence defendant will receive, except that it will be within the statutory  
23 maximum.



1           35. Defendant understands that no promises, understandings, or agreements other  
2 than those set forth in this agreement have been made or implied by defendant, defendant's  
3 attorney, or the DOJ, and no additional promises, agreements, or conditions shall have any force  
4 or effect unless set forth in writing and signed by all parties or confirmed on the record before the  
5 district court.

6           36. Defendant acknowledges that defendant decided to plead guilty voluntarily and  
7 that no one threatened, coerced, or forced defendant to enter into this agreement.

8           37. Defendant is satisfied with the representation of defendant's attorney, and  
9 defendant is pleading guilty because defendant is guilty of the charges and chooses to take  
10 advantage of the promises set forth in this agreement and for no other reason.

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**XIV. PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING**

The parties agree 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.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE  
FOR THE DISTRICT OF NEVADA

JASON M. FRIERSON  
United States Attorney

**DANIEL SCHIESS** Digitally signed by DANIEL SCHIESS  
Date: 2023.11.14 10:05:01 -08'00'

11/14/2023

DANIEL R. SCHIESS  
Assistant United States Attorney

Date

COREY AMUNDSON  
Chief, Public Integrity Section

*Alex Gottfried*  
ALEXANDER GOTTFRIED  
Trial Attorney, Public Integrity Section

11-13-23

Date

*Ryan R*  
RYAN PHILLIPS  
Defendant

11-13-23

Date

*Rebecca Levy*  
REBECCA LEVY  
Attorney for Defendant PHILLIPS

11/13/2023

Date