

FILED ENTERED
LODGED RECEIVED

DEC 12 2019

Judge Robert S. Lasnik

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TODD PETERMAN-DISHION

Defendant.

NO. 2:19-CR-126-RSL

PLEA AGREEMENT

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Neal B. Christiansen and Thomas M. Woods, Assistant United States Attorneys for said District, Defendant Todd Peterman-Dishion, and Defendant's attorney, Christopher Sanders, enter into the following Agreement, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B):

1. Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enters a plea of guilty to the following charge contained in the Indictment: *Conspiracy to Distribute Controlled Substances*, a lesser-included offense of the offense charged in Count 1, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B) and 846.

1 By entering this plea of guilty, Defendant hereby waives all objections to the form
2 of the charging document. Defendant further understands that before entering any guilty
3 plea, Defendant will be placed under oath. Any statement given by Defendant under oath
4 may be used by the United States in a prosecution for perjury or false statement.

5 **2. Elements of the Offense.** The elements of the offense to which Defendant
6 is pleading guilty, *Conspiracy to Distribute Controlled Substances*, in violation of Title
7 21, United States Code, Sections 841(a)(1), 841(b)(1)(B) and 846, are as follows:

8 *First*, there was an agreement between two or more persons to distribute
9 controlled substances; and

10 *Second*, Defendant joined in the agreement knowing of its purpose and
11 intending to help accomplish that purpose.

12 **3. The Penalties.** Defendant understands that the statutory penalties
13 applicable to the offense to which Defendant is pleading guilty are as follows:

14 a. For the offense of *Conspiracy to Distribute Controlled Substances*,
15 as charged in Count 1: a mandatory minimum term of imprisonment of five (5) years,
16 with a maximum term of imprisonment of up to forty (40) years; a fine of up to
17 \$5,000,000; a period of supervision following release from prison of at least four (4)
18 years and up to life; and a mandatory special assessment of \$100.

19 b. **Drug Offense - Proof of Drug Quantity for Mandatory**
20 **Minimum.** Defendant further understands that, in order to invoke the statutory sentence
21 for the drug offenses charged in Count 1, the United States must prove that Defendant's
22 conduct as a member of the narcotics conspiracy charged in Count 1, which includes the
23 reasonably foreseeable conduct of other members of the narcotics conspiracy charged in
24 Count 1, involved 100 grams or more of a mixture or substance containing a detectable
25 amount of heroin *or* 5 grams or more of methamphetamine, its salts, isomers, and salts of
26 its isomers and/or 50 grams or more of a mixture or substance containing a detectable
27 amount of methamphetamine, its salts, isomers, or salts of its isomers. Defendant
28 expressly waives the right to require the United States to make this proof at trial and

1 stipulates as a part of this plea of guilty that Defendant's conduct as a member of the
2 narcotics conspiracy charged in Count 1, which includes the reasonably foreseeable
3 conduct of other members of the narcotics conspiracy charged in Count 1, involved 100
4 grams or more of a mixture or substance containing a detectable amount of heroin *or* 5
5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers and/or 50
6 grams or more of a mixture or substance containing a detectable amount of
7 methamphetamine, its salts, isomers, or salts of its isomers.

8 Defendant understands that supervised release is a period of time following
9 imprisonment during which Defendant will be subject to certain restrictive conditions and
10 requirements. Defendant further understands that, if supervised release is imposed and
11 Defendant violates one or more of the conditions or requirements, Defendant could be
12 returned to prison for all or part of the term of supervised release that was originally
13 imposed. This could result in Defendant serving a total term of imprisonment greater
14 than the statutory maximum stated above.

15 Defendant understands that as a part of any sentence, in addition to any term of
16 imprisonment and/or fine that is imposed, the Court may order Defendant to pay
17 restitution to any victim of the offense, as required by law.

18 Defendant further understands that the consequences of pleading guilty may
19 include the forfeiture of certain property, either as a part of the sentence imposed by the
20 Court, or as a result of civil judicial or administrative process.

21 Defendant agrees that any monetary penalty the Court imposes, including the
22 special assessment, fine, costs, or restitution, is due and payable immediately and further
23 agrees to submit a completed Financial Statement of Debtor form as requested by the
24 United States Attorney's Office.

25 **4. Drug Offenses - Program Eligibility.** Defendant understands that, by
26 pleading guilty to a felony drug offense, Defendant will become ineligible for certain
27 food stamp and Social Security benefits as directed by Title 21, United States Code,
28 Section 862a.

1 **5. Rights Waived by Pleading Guilty.** Defendant understands that by
2 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

- 3 a. The right to plead not guilty and to persist in a plea of not guilty;
4 b. The right to a speedy and public trial before a jury of Defendant's
5 peers;
6 c. The right to the effective assistance of counsel at trial, including, if
7 Defendant could not afford an attorney, the right to have the Court
8 appoint one for Defendant;
9 d. The right to be presumed innocent until guilt has been established
10 beyond a reasonable doubt at trial;
11 e. The right to confront and cross-examine witnesses against Defendant
12 at trial;
13 f. The right to compel or subpoena witnesses to appear on Defendant's
14 behalf at trial;
15 g. The right to testify or to remain silent at trial, at which trial such
16 silence could not be used against Defendant; and
17 h. The right to appeal a finding of guilt or any pretrial rulings.

18 **6. United States Sentencing Guidelines.** Defendant understands and
19 acknowledges that the Court must consider the sentencing range calculated under the
20 United States Sentencing Guidelines and possible departures under the Sentencing
21 Guidelines together with the other factors set forth in Title 18, United States Code,
22 Section 3553(a), including: (1) the nature and circumstances of the offense; (2) the
23 history and characteristics of Defendant; (3) the need for the sentence to reflect the
24 seriousness of the offense, to promote respect for the law, and to provide just punishment
25 for the offense; (4) the need for the sentence to afford adequate deterrence to criminal
26 conduct; (5) the need for the sentence to protect the public from further crimes of
27 Defendant; (6) the need to provide Defendant with educational and vocational training,
28 medical care, or other correctional treatment in the most effective manner; (7) the kinds

1 of sentences available; (8) the need to provide restitution to victims; and (9) the need to
2 avoid unwarranted sentence disparity among defendants involved in similar conduct who
3 have similar records. Accordingly, Defendant understands and acknowledges that:

4 a. The Court will determine Defendant's Sentencing Guidelines range
5 at the time of sentencing;

6 b. After consideration of the Sentencing Guidelines and the factors in
7 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the
8 maximum term authorized by law;

9 c. The Court is not bound by any recommendation regarding the
10 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines
11 range offered by the parties or the United States Probation Department, or by any
12 stipulations or agreements between the parties in this Plea Agreement; and

13 d. Defendant may not withdraw a guilty plea solely because of the
14 sentence imposed by the Court.

15 7. **Ultimate Sentence.** Defendant acknowledges that no one has promised or
16 guaranteed what sentence the Court will impose.

17 8. **Statement of Facts.** The parties agree on the following facts. Defendant
18 admits Defendant is guilty of the charged offense:

19 a. Beginning within the past five years, and continuing until on or
20 about June 4, 2019, within the Western District of Washington and elsewhere, Defendant
21 knowingly and intentionally conspired with others known and unknown to distribute
22 substances controlled under Title 21, United States Code, Section 812, including
23 methamphetamine and heroin. Defendant further admits that he did in fact personally
24 distribute, and did possess with the intent to distribute, said controlled substances.

25 b. During the course of the conspiracy, Defendant sold
26 methamphetamine and heroin on a dark web marketplace, Dream Market, using the
27 online moniker "Rackjaw2." Individuals associated with Dream Market helped
28 Defendant distribute said controlled substances by, among other things, providing the

1 marketplace forum and facilitating each transaction with Defendant's customers.
2 Defendant conducted at least 1,650 sales of controlled substances on Dream Market. On
3 other occasions, Defendant would communicate with, and sell controlled substances to,
4 his customers via Wickr—an encrypted messaging application designed for both
5 computers and mobile phones. As to sales conducted both via Dream Market and Wickr,
6 Defendant's customers paid him in bitcoins (a form of virtual currency), and Defendant
7 arranged for the purchased substances to be shipped to his customers via the United
8 States Postal Service ("USPS").

9 c. Without limiting the forgoing, and as an example, on or about
10 November 13, 2018, Defendant, using the "Rackjaw2" moniker on Dream Market, sold
11 approximately 14 grams of methamphetamine to an undercover law enforcement officer
12 in exchange for bitcoins. At the time, Defendant's Dream Market vendor profile
13 included warnings such as "Our Meth undoubtedly will be the best youve ever had.
14 Please be very careful, and this is no joke, be very careful w these products. If youve
15 never tried these drugs b4, your probably shouldnt buy from us as this is not beginner
16 stuff" and "this [black tar heroin] is of high quality, it comes directly from our friends to
17 the south, it is for experienced users, please heed this warning, perhaps try half of your
18 regular dose first, and dont be alone, the buddy system keeps you kickin."

19 d. As a further example, on or about May 17, 2019, law enforcement
20 agents intercepted a parcel, shipped by the Defendant from a post office in Mill Creek,
21 Washington, which was later found to contain approximately 57 grams of
22 methamphetamine. An undercover law enforcement officer had previously ordered the
23 methamphetamine from Defendant via Wickr.

24 e. On June 4, 2019, investigators lawfully executed a valid search
25 warrant at a hotel room in Everett, Washington, where the Defendant had resided since
26 around October 2018. Within the room, investigators recovered approximately 65 grams
27 of heroin, which Defendant admits he possessed with the intent to distribute as part of the
28

1 | conspiracy. Investigators further recovered two loaded handguns from the hotel room, as
2 | well as various packing materials, USPS envelopes, and Mylar bags.

3 | f. In total, and for purposes of sentencing, Defendant agrees that as
4 | part of the conspiracy, he personally, knowingly, and intentionally possessed with intent
5 | to distribute and/or distributed 2,433.4 kilograms of converted drug equivalent.

6 | g. The parties agree that the Court may consider additional facts
7 | contained in the Presentence Report (subject to standard objections by the parties) and/or
8 | that may be presented by the United States or Defendant at the time of sentencing, and
9 | that the factual statement contained herein is not intended to limit the facts that the parties
10 | may present to the Court at the time of sentencing.

11 | **9. Sentencing Factors.** The parties agree that the following Sentencing
12 | Guidelines provisions apply to this case:

13 | a. A base offense level of 30, pursuant to USSG 2D1.1(c)(5), because
14 | it was foreseeable to Defendant that the conspiracy involved more than 1,000 but less
15 | than 3,000 kilograms of converted drug weight;

16 | b. A two-level increase for possessing a firearm in connection with the
17 | offense, pursuant to USSG § 2D1.1(b)(1);

18 | c. A two-level increase for distributing controlled substances through
19 | mass-marketing by means of an interactive computer service, pursuant to USSG
20 | § 2D1.1(b)(7);

21 | d. A two-level increase for maintaining a premises for the purpose of
22 | manufacturing or distributing a controlled substance, pursuant to USSG § 2D1.1(b)(12);
23 | and

24 | e. A three-level decrease, pursuant to USSG § 3E1.1, if Defendant
25 | accepts responsibility and his offense level is 16 or greater, as discussed in paragraph 10
26 | below.

27 | The parties agree they are free to present arguments regarding the applicability of
28 | all other provisions of the United States Sentencing Guidelines. Defendant understands,

1 | however, that at the time of sentencing, the Court is free to reject these stipulated
2 | adjustments, and is further free to apply additional downward or upward adjustments in
3 | determining Defendant's Sentencing Guidelines range.

4 | **10. Acceptance of Responsibility.** At sentencing, *if* the Court concludes
5 | Defendant qualifies for a downward adjustment acceptance for acceptance of
6 | responsibility pursuant to USSG § 3E1.1(a) and Defendant's offense level is 16 or
7 | greater, the United States will make the motion necessary to permit the Court to decrease
8 | the total offense level by three (3) levels pursuant to USSG §§ 3E1.1(a) and (b), because
9 | Defendant has assisted the United States by timely notifying the United States of
10 | Defendant's intention to plead guilty, thereby permitting the United States to avoid
11 | preparing for trial and permitting the Court to allocate its resources efficiently.

12 | **11. Safety-Valve Eligibility.** Defendant will ask the Court to find that he is
13 | entitled to relief under the "safety valve," pursuant to 18 U.S.C. § 3553(f), as amended by
14 | Section 402 of the First Step Act, Pub. L. 115-391, effective December 21, 2018.
15 | Defendant understands, however, that the government will argue that the Defendant is not
16 | eligible for such relief. The Court will make the final determination as to whether the
17 | Defendant is entitled to any such relief.

18 | **12. Forfeiture of Assets.** Defendant agrees to forfeit to the United States,
19 | immediately, all of Defendant's right, title, and interest in any and all property, real or
20 | personal, that was used, or intended to be used, in any manner or part, to commit, or to
21 | facilitate the commission of, the offense set forth in Count 1 of the Indictment, and in any
22 | property constituting, or derived from, any proceeds Defendant obtained, directly or
23 | indirectly, as the result of this offense. This property is subject to forfeiture pursuant to
24 | Title 21, United States Code, Section 853(a), and includes but is not limited to the
25 | following:

- 26 | a. Approximately 0.02669007 bitcoins, seized on or about June 6, 2019,
27 | from a Mycelium wallet belonging to Defendant.
28 |

1 For the purposes of forfeiture, Defendant agrees that the above-described property
2 constitutes the proceeds of, and/or was used or intended to be used to facilitate, the
3 offense set forth in Count 1.

4 Defendant agrees to fully assist the United States in the forfeiture of the above-
5 described property and to take whatever steps are necessary to pass clear title to the
6 United States, including but not limited to: surrendering title and executing any
7 documents necessary to effectuate such forfeiture; assisting in bringing any assets located
8 outside the United States within the jurisdiction of the United States; and taking whatever
9 steps are necessary to ensure that assets subject to forfeiture are not sold, disbursed,
10 wasted, hidden, or otherwise made unavailable for forfeiture. Defendant agrees not to
11 file a claim to any of the above-described property in any federal forfeiture proceeding,
12 administrative or judicial, which may be or has been initiated. Defendant further agrees
13 not to file a claim to, or otherwise contest the administrative forfeiture of, the following
14 firearms, seized on or about June 4, 2019: one Amadeo Rossi SA 38 Special Revolver,
15 with serial number W099809, and one Smith & Wesson pistol, with serial number
16 KAM1682.

17 The United States reserves its right to proceed against any remaining property not
18 identified in this Plea Agreement, including any property in or over which Defendant has
19 any interest or control, if that property constitutes or is derived from proceeds of, or was
20 used or intended to be used to facilitate, the offense set forth in Count 1.

21 **13. Abandonment of Contraband.** Defendant agrees that, if any federal law
22 enforcement agency seized any firearms, ammunition, firearm accessories, or contraband
23 that were in Defendant's direct or indirect control—including but not limited to the
24 firearms described in Paragraphs 8 and 12—Defendant abandons any and all interest he
25 may have in these assets and consents to their federal administrative disposition, official
26 use, and/or destruction.

27 **14. Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
28 the United States Attorney's Office for the Western District of Washington agrees not to

1 prosecute Defendant for any additional offenses known to it as of the time of this Plea
2 Agreement based upon evidence in its possession at this time, and that arise out of the
3 conduct giving rise to this investigation, and moves to dismiss the remaining counts in
4 the Indictment at the time of sentencing. In this regard, Defendant recognizes the United
5 States has agreed not to prosecute all of the criminal charges the evidence establishes
6 were committed by Defendant solely because of the promises made by Defendant in this
7 Plea Agreement. Defendant agrees, however, that for purposes of preparing the
8 Presentence Report, the United States Attorney's Office will provide the United States
9 Probation Office with evidence of all conduct committed by Defendant.

10 Defendant agrees that any charges to be dismissed before or at the time of
11 sentencing were substantially justified in light of the evidence available to the United
12 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant
13 with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119
14 (1997).

15 **15. Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if
16 Defendant breaches this Plea Agreement, the United States may withdraw from this Plea
17 Agreement and Defendant may be prosecuted for all offenses for which the United States
18 has evidence. Defendant agrees not to oppose any steps taken by the United States to
19 nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea
20 Agreement. Defendant also agrees that, if Defendant is in breach of this Plea Agreement,
21 Defendant has waived any objection to the re-institution of any charges that previously
22 were dismissed or any additional charges that had not been prosecuted.

23 Defendant further understands that if, after the date of this Agreement, Defendant
24 should engage in illegal conduct, or conduct that violates any conditions of release or the
25 conditions of confinement (examples of which include, but are not limited to, obstruction
26 of justice, failure to appear for a court proceeding, criminal conduct while pending
27 sentencing, and false statements to law enforcement agents, the Pretrial Services Officer,
28 Probation Officer, or Court), the United States is free under this Plea Agreement to file

1 additional charges against Defendant or to seek a sentence that takes such conduct into
2 consideration by requesting the Court to apply additional adjustments or enhancements in
3 its Sentencing Guidelines calculations in order to increase the applicable advisory
4 Guidelines range, and/or by seeking an upward departure or variance from the calculated
5 advisory Guidelines range. Under these circumstances, the United States is free to seek
6 such adjustments, enhancements, departures, and/or variances even if otherwise
7 precluded by the terms of the Plea Agreement.

8 **16. Waiver of Appellate Rights and Rights to Collateral Attacks.**

9 Defendant acknowledges that, by entering the guilty plea required by this plea agreement,
10 Defendant waives all rights to appeal from Defendant's conviction and any pretrial
11 rulings of the Court. Defendant further agrees that, provided the Court imposes a
12 custodial sentence that is within or below the Sentencing Guidelines range (or the
13 statutory mandatory minimum, if greater than the Guidelines range) as determined by the
14 Court at the time of sentencing, Defendant waives to the full extent of the law:

15 a. Any right conferred by Title 18, United States Code, Section 3742,
16 to challenge, on direct appeal, the sentence imposed by the Court, including any fine,
17 restitution order, probation or supervised release conditions, or forfeiture order (if
18 applicable); and


19 b. Any right to bring a collateral attack against the conviction and
20 sentence, including any restitution order imposed, except as it may relate to the
21 effectiveness of legal representation; and

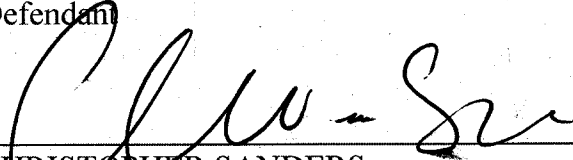
22 This waiver does not preclude Defendant from bringing an appropriate motion
23 pursuant to 28 U.S.C. § 2241, to address the conditions of Defendant's confinement or
24 the decisions of the Bureau of Prisons regarding the execution of Defendant's sentence.

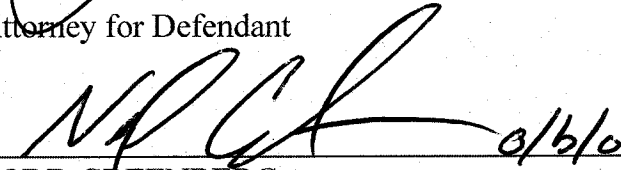
25 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
26 attacking (except as to effectiveness of legal representation) the conviction or sentence in
27 any way, the United States may prosecute Defendant for any counts, including those with
28

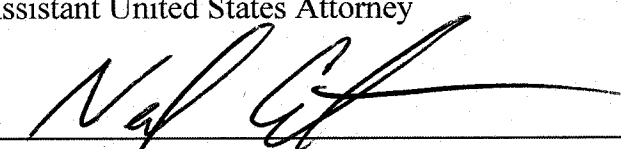
1 19. **Completeness of Agreement.** The United States and Defendant
2 acknowledge that these terms constitute the entire Plea Agreement between the parties,
3 except as may be set forth on the record at the change of plea hearing in this matter. This
4 Agreement binds only the United States Attorney's Office for the Western District of
5 Washington. It does not bind any other United States Attorney's Office or any other
6 office or agency of the United States, or any state or local prosecutor.

7 Dated this 12th day of December, 2019

8
9 
10 _____
11 TODD PETERMAN-DISHION
12 Defendant

13 
14 _____
15 CHRISTOPHER SANDERS
16 Attorney for Defendant

17 
18 _____
19 TODD GREENBERG
20 Assistant United States Attorney

21 
22 _____
23 NEAL B. CHRISTIANSEN
24 THOMAS M. WOODS
25 Assistant United States Attorneys
26
27
28