

Judge Richard A. Jones

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

UNITED STATES OF AMERICA,
Plaintiff,
v.
NICHOLAS PARTLOW,
Defendant.

NO. CR21-122 RAJ

PLEA AGREEMENT

The United States, through United States Attorney Nicholas W. Brown and Assistant United States Attorney Jonas Lerman of the Western District of Washington, Defendant Nicholas Partlow, and Defendant’s attorney Gregory Geist enter into the following Plea Agreement under Federal Rule of Criminal Procedure 11(c)(1)(A) and (c)(1)(B).

1. **The Charges.** 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 each of the following charges contained in the Indictment.

a. Conspiracy to Distribute Controlled Substances, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(C), a lesser-included offense of Count 1; and

1 b. Possession of a Firearm in Furtherance of a Drug Trafficking Crime,
2 in violation of Title 18, United States Code, Section 924(c)(1)(A)(i), as charged in Count
3 3.

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

9 2. **Elements of the Offenses.** The elements of the offenses to which
10 Defendant is pleading guilty are as follows:

11 a. The elements of Conspiracy to Distribute Controlled Substances, in
12 violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(C), a
13 lesser-included offense of Count 1, are as follows:

- 14 • *First*, beginning at a time unknown and ending on or about November 18, 2020,
15 there was an agreement between two or more persons to distribute controlled
16 substances, including methamphetamine, heroine, and fentanyl; and
- 17 • *Second*, the defendant joined in the agreement knowing of its purpose and
18 intending to help accomplish that purpose.

19 b. The elements of Possession of a Firearm in Furtherance of a Drug
20 Trafficking Crime, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i),
21 as charged in Count 3, are as follows:

- 22 • *First*, the defendant committed the crime of Conspiracy to Distribute Controlled
23 Substances, in violation of Title 21, United States Code, Sections 846, 841(a)(1),
24 and 841(b)(1)(C), which is a drug trafficking crime that may be prosecuted in a
25 court of the United States;
- 26 • *Second*, the defendant knowingly possessed a firearm; and
- 27 • *Third*, the defendant possessed the firearm in furtherance of the crime of
28 Conspiracy to Distribute Controlled Substances.

1 3. **The Penalties.** Defendant understands that the statutory penalties
2 applicable to the offenses to which he is pleading guilty are as follows:

3 a. For the offense of Conspiracy to Distribute Controlled Substances,
4 in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(C), a
5 lesser-included offense of Count 1: A maximum term of imprisonment of up to 20 years;
6 a fine of up to \$1,000,000; a period of supervision following release from prison of up to
7 life and a mandatory minimum term of supervised release of 3 years; and a mandatory
8 special assessment of \$100 dollars. If a probationary sentence is imposed, the probation
9 period can be for up to 5 years.

10 b. For the offense of Possession of a Firearm in Furtherance of a Drug
11 Trafficking Crime, as charged in Count 3: A mandatory minimum term of imprisonment
12 of 5 years, to be served consecutively to any other term of imprisonment; a maximum
13 term of imprisonment of up to life; a maximum period of supervision following release
14 from prison of 5 years; a fine of up to \$250,000; and a special assessment of \$100.

15 Defendant understands that supervised release is a period following imprisonment
16 during which Defendant will be subject to certain restrictive conditions and requirements.
17 Defendant further understands that, if supervised release is imposed and he violates one
18 or more of the conditions or requirements, he could be returned to prison for all or part of
19 the term of supervised release that was originally imposed. This could result in Defendant
20 serving a total term of imprisonment greater than the statutory maximum stated above.

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

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

27 Defendant agrees that any monetary penalty the Court imposes, including the
28 special assessment, fine, costs, or restitution, is due and payable immediately and further

1 agrees to submit a completed Financial Disclosure Statement as requested by the United
2 States Attorney's Office.

3 Defendant understands that, if pleading guilty to a felony drug offense, Defendant
4 will become ineligible for certain food stamp and Social Security benefits as directed by
5 Title 21, United States Code, Section 862a.

6 **4. Immigration Consequences.** Defendant recognizes that pleading guilty
7 may have consequences with respect to Defendant's immigration status if Defendant is
8 not a citizen of the United States. Under federal law, a broad range of crimes are grounds
9 for removal, and some offenses make removal from the United States presumptively
10 mandatory. Removal and other immigration consequences are the subject of a separate
11 proceeding, and Defendant understands that no one, including Defendant's attorney and
12 the Court, can predict with certainty the effect of a guilty plea on immigration status.
13 Defendant nevertheless affirms that Defendant wants to plead guilty regardless of any
14 immigration consequences that Defendant's guilty pleas may entail, even if the
15 consequence is Defendant's mandatory removal from the United States.

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

- 18 a. The right to plead not guilty and to persist in a plea of not guilty;
- 19 b. The right to a speedy and public trial before a jury of Defendant's
20 peers;
- 21 c. The right to the effective assistance of counsel at trial, including, if
22 Defendant could not afford an attorney, the right to have the Court appoint one for
23 Defendant;
- 24 d. The right to be presumed innocent until guilt has been established
25 beyond a reasonable doubt at trial;
- 26 e. The right to confront and cross-examine witnesses against Defendant
27 at trial;
- 28

1 f. The right to compel or subpoena witnesses to appear on Defendant's
2 behalf at trial;

3 g. The right to testify or to remain silent at trial, at which trial such
4 silence could not be used against Defendant; and

5 h. The right to appeal a finding of guilt or any pretrial rulings.

6 6. **United States Sentencing Guidelines.** Defendant understands and
7 acknowledges that the Court must consider the sentencing range calculated under the
8 United States Sentencing Guidelines and possible departures under the Sentencing
9 Guidelines together with the other factors set forth in Title 18, United States Code,
10 Section 3553(a), including (1) the nature and circumstances of the offenses; (2) the
11 history and characteristics of Defendant; (3) the need for the sentence to reflect the
12 seriousness of the offenses, to promote respect for the law, and to provide just
13 punishment for the offenses; (4) the need for the sentence to afford adequate deterrence to
14 criminal conduct; (5) the need for the sentence to protect the public from further crimes
15 of Defendant; (6) the need to provide Defendant with educational and vocational training,
16 medical care, or other correctional treatment in the most effective manner; (7) the kinds
17 of sentences available; (8) the need to provide restitution to victims; and (9) the need to
18 avoid unwarranted sentence disparity among defendants involved in similar conduct who
19 have similar records. Accordingly, Defendant understands and acknowledges that:

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

22 b. After consideration of the Sentencing Guidelines and the factors in
23 18 U.S.C. § 3553(a), the Court may impose any sentence authorized by law, up to the
24 maximum term authorized by law;

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

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

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

5 8. **Statement of Facts.** The parties agree on the following facts. Defendant
6 admits Defendant is guilty of the charged offenses:

7 a. The darknet is a collection of hidden websites available through a
8 network of globally distributed relay computers called the Tor network. They are hidden
9 websites because on the Tor network—unlike standard internet websites—there is no
10 publicly available listing of the Internet Protocol (IP) addresses of servers hosting
11 websites on the Tor network. The darknet includes many hidden websites that sell illegal
12 goods. Darknet marketplaces include White House, Empire, Dark Market, and ToRReZ.
13 Customers typically buy goods on darknet marketplaces using Bitcoin, Monero (XMR),
14 or another form of cryptocurrency.

15 b. Beginning at an unknown time but no later than January 2020,
16 Defendant Nicholas Partlow entered into an agreement with others, including the
17 operators of darknet marketplaces and other drug traffickers, in the Western District of
18 Washington and elsewhere, to distribute, and to purchase for redistribution, controlled
19 substances.

20 c. As part of this conspiracy, Partlow made more than 400 online drug
21 sales of methamphetamine, heroin, pills containing fentanyl, and other controlled
22 substances on darknet marketplaces, an interactive computer service. Partlow shipped
23 drugs to his customers through the U.S. mail. During this period, Partlow and
24 coconspirators also conducted multiple in-person drug sales in the Western District of
25 Washington. Partlow oversaw others engaged in the packaging and delivery of drugs.
26 Partlow personally received proceeds from his drug-trafficking activities, including U.S.
27 currency, cryptocurrency, and firearms.

1 d. As part of this conspiracy, Partlow knowingly marketed pills that
2 were marked to look like oxycodone but that in fact contained fentanyl. Partlow marketed
3 and sold such pills and other drugs through darknet marketplaces.

4 e. Through his darknet sales, Partlow sold an aggregate amount of at
5 least approximately 52 grams of heroin; 13 grams of methamphetamine (actual); 142 pills
6 containing fentanyl (14.2 grams of fentanyl); 866 suboxone strips; and 1,513 pills
7 containing other controlled substances.

8 f. During and in furtherance of his drug-trafficking activities, Partlow
9 carried and possessed firearms, including the firearms listed in paragraph 8k below.
10 Partlow carried and possessed these firearms in furtherance of his drug trafficking,
11 including to protect himself, drug-trafficking proceeds, and drug products from robbery.

12 g. Over the course of 2020, law-enforcement agents seized multiple
13 parcels mailed by Partlow to drug customers. These parcels contained 3.25 grams of
14 heroin; 2 pills containing fentanyl (.2 grams fentanyl); 18 suboxone strips; and
15 approximately 1,680 pills containing other controlled substances. In 2020, agents also
16 conducted multiple controlled purchases of drugs from Partlow, including 1 gram of
17 heroin; 4.07 grams of methamphetamine (actual); and 79 pills containing other controlled
18 substances.

19 h. On November 18, 2020, agents executed a federal search warrant at
20 a house in Issaquah, Washington, where Partlow was living. During the search, agents
21 found drugs that Partlow possessed with intent to distribute, including 21.446 grams of
22 heroin; 27.234 grams of methamphetamine (actual); a bottle of pink liquid containing
23 GHB (gamma hydroxybutyric acid); 27 pills containing fentanyl (2.7 grams fentanyl);
24 0.859 grams of Ketamine; and 33 pills containing other controlled substances. Agents
25 also found supplies that Partlow used for selling and shipping drugs, including a scale,
26 U.S. Postal Service envelopes, baggies, and vacuum-seal bags.

27 i. The search of the Issaquah house turned up electronics equipment
28 that Partlow used in furtherance of his drug-trafficking activities, including a Lenovo

1 laptop computer (serial number PF167KBK); a Dell Inspiron laptop (serial number
2 JSJH723); an HP Chromebook laptop (serial number SCD43848X4); a Microsoft Surface
3 tablet (serial number 032003623652); an Apple iPad tablet (serial number
4 DM537UGG5WQ); a white Apple iPhone 12 Pro (IMEI 353075114538486); a Samsung
5 cellphone (IMEI 353457/101040935/3, serial number R28KC1KZGXP); an LG
6 cellphone (IMEI 405CYUK291630); two Mavic Air 2 drones (serial numbers
7 3N3BH4K00200FN and 3N3BH8701203KG); a Seagate hard drive (serial number
8 NAAX3TVZ); two WD hard drives (serial numbers WX51Ec65V8NR and
9 wxv1e6889sl6); a Trezor Cold Storage device; and a Samsung 256GB thumb drive.

10 Partlow admits that these electronics are proceeds of, or traceable to proceeds of, and
11 facilitated the drug-trafficking conspiracy charged in Count 1.

12 j. In the search of the Issaquah house, agents found \$4,360 in U.S.
13 currency that belonged to Partlow, which represented some of his proceeds from drug
14 trafficking, as well as seven wristwatches of Partlow's. Partlow admits that the
15 wristwatches are, or are traceable to, proceeds of the drug trafficking conspiracy charged
16 in Count 1.

17 k. In the search of the Issaquah house, agents found ammunition and
18 five firearms that belonged to Partlow and that he possessed in furtherance of drug-
19 trafficking crimes: a Taurus TX .22-caliber pistol (serial number 1PT030979) with an
20 attached Gemtech GM-22 silencer (serial number S14-80906) and two magazines; a
21 modified Savage Arms Stevens Model 9478 20-gauge shotgun with a sawed-off 12-inch
22 barrel (serial number E834682); a Charter Arms Undercover .38 Special revolver (serial
23 number 1028060); a Winchester Model 70 .30-06 bolt-action rifle (serial number 208204)
24 with a Vortex Model 4-16X44 Viper scope (serial number A1900609); and a Remington
25 Model 581 .22-caliber bolt-action rifle (serial number 36415). Partlow possessed each of
26 these firearms in furtherance of the drug-trafficking conspiracy charged in Count 1, and
27 each of these firearms facilitated that offense.
28

1 l. After the November 18, 2020, search, Partlow knowingly and
2 voluntarily gave law enforcement permission to seize all cryptocurrency funds from any
3 darknet markets associated with him, and all cash found in the November 18 search.
4 Approximately 11.219267790574 Monero (XMR) cryptocurrency and 0.0064688 BTC
5 (Bitcoin cryptocurrency) were seized on or about December 11, 2020. Partlow admits
6 that the cash and cryptocurrency funds are, or are traceable to, proceeds from the drug
7 trafficking conspiracy charged in Count 1.

8 m. After the November 18 search, Partlow returned to trafficking drugs,
9 including fentanyl (AKA “fent,” “fetty,” or “blues”), methamphetamine (AKA “clear”),
10 alprazolam/Xanax (AKA “bars”), and heroin. In addition, in a text message exchange on
11 November 27, 2020, Partlow and an associate discussed Partlow’s request to have the
12 associate obtain a gun for Partlow.

13 n. On March 31, 2021, police in Bellevue, Washington, caught Partlow
14 and his associate J.S. after the two used heroin together in a parking garage. In Partlow’s
15 pocket, Partlow possessed a device for smoking heroin. In a small black container tied to
16 Partlow’s belt and tucked inside his waistband, Partlow possessed 32 pills containing
17 controlled substances—including 27 pills marked to look like oxycodone, two alprazolam
18 pills, and three Xanax pills—all of which Partlow intended to distribute. Partlow also
19 carried in his pocket a drug ledger notebook with information about Partlow’s trafficking
20 of controlled substances, including methamphetamine and Xanax.

21 o. On September 9, 2021, in Renton, Washington, Partlow crashed a
22 car he was driving. At the time, he had an outstanding federal arrest warrant in this case.
23 In his pockets, Partlow carried multiple bags of controlled substances, including 57 pills
24 marked as Xanax, 12 blue pills marked “M30,” and 0.05 grams of methamphetamine.
25 Partlow carried a taser in his pocket. He also carried an Apple iPhone (IMEI
26 353075110096448) and a silver, key-shaped LaCie brand computer thumb drive. Law
27 enforcement seized these devices from Partlow on or about September 12, 2021. Partlow
28 used the iPhone in furtherance of his continued drug trafficking.

1 p. For purposes of this case, the total quantities of controlled
2 substances that Partlow distributed and conspired with others to distribute include 77.696
3 grams of heroin; 43.3 grams of methamphetamine (actual); 17.1 grams of fentanyl; 0.859
4 grams of ketamine; 884 suboxone strips; 50 Adderall pills; 3,297 pills containing other
5 controlled substances, including Subutex, Klonopin, and Xanax; and a bottle of GHB
6 (gamma hydroxybutyric acid) liquid.

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

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

14 a. For Count 1, a base offense level of 28 under USSG § 2D1.1(a)(6)
15 (at least 700 KG but less than 1,000 KG of Converted Drug Weight).

16 b. A 2-level increase because Defendant distributed a controlled
17 substance through mass-marketing by means of an interactive computer service under
18 USSG § 2D1.1(b)(7).

19 c. A 3-level decrease for acceptance of responsibility under USSG
20 § 3E1.1 (see paragraph 10 below).

21 The parties agree that they are free to present arguments regarding the
22 applicability of all other provisions of the United States Sentencing Guidelines, such as
23 USSG § 2D1.1(b)(13) and USSG § 3B1.1.

24 Defendant understands that at the time of sentencing, the Court is free to reject
25 these stipulated adjustments, and is further free to apply additional downward or upward
26 adjustments in determining Defendant's Sentencing Guidelines range.

27 10. **Acceptance of Responsibility.** At sentencing, *if* the Court concludes
28 Defendant qualifies for a downward adjustment for acceptance of responsibility pursuant

1 to USSG § 3E1.1(a) and Defendant's offense level is 16 or greater, the United States will
2 make the motion necessary to permit the Court to decrease the total offense level by 3
3 levels under USSG §§ 3E1.1(a) and (b), because Defendant has assisted the United States
4 by timely notifying the United States of Defendant's intention to plead guilty, thereby
5 permitting the United States to avoid preparing for trial and permitting the Court to
6 allocate its resources efficiently.

7 11. **Forfeiture.** Defendant understands that the forfeiture of property is part of
8 the sentence that must be imposed in this case. Defendant agrees to forfeit to the United
9 States immediately his right, title, and interest in all property that constitutes or is
10 traceable to proceeds of his commission of Conspiracy to Distribute Controlled
11 Substances, as charged in Count 1 of the Information, in violation of Title 21, United
12 States Code, Sections 846, 841(a)(1), and 841(b)(1)(C), as well as any property that
13 facilitated this offense. All such property is forfeitable pursuant to Title 21 United States
14 Code, Section 853. This property includes but is not limited to:

- 15 a. \$4,360 in U.S. currency, seized from Defendant's residence on or
16 about November 18, 2020;
- 17 b. Seven wristwatches seized from Defendant's residence on or about
18 November 18, 2020;
- 19 c. 11.219267790574 Monero (XMR) cryptocurrency, seized from the
20 darknet markets associated with Partlow on or about December 11, 2020;
- 21 d. 0.0064688 BTC (Bitcoin cryptocurrency);
- 22 e. Electronic equipment seized from Defendant's residence on or about
23 November 18, 2020, including a Lenovo laptop computer (serial number PF167KBK); a
24 Dell Inspiron laptop (serial number JSJH723); an HP Chromebook laptop (serial number
25 SCD43848X4); a Microsoft Surface tablet (serial number 032003623652); an Apple iPad
26 tablet (serial number DM537UGG5WQ); a white Apple iPhone 12 Pro (IMEI
27 353075114538486); a Samsung cellphone (IMEI 353457/101040935/3, serial number
28 R28KC1KZGXP); an LG cellphone (IMEI 405CYUK291630); two Mavic Air 2 drones

1 (serial numbers 3N3BH4K00200FN and 3N3BH8701203KG); a Seagate hard drive
2 (serial number NAAX3TVZ); two WD hard drives (serial numbers WX51Ec65V8NR
3 and wxv1e6889sl6); a Trezor Cold Storage device; and a Samsung 256GB thumb drive;
4 f. Electronic equipment seized from Defendant on or about September
5 12, 2021, including an Apple iPhone (IMEI 353075110096448) and a silver, key-shaped
6 LaCie thumb drive.

7 12. **Abandonment of Contraband.** Defendant also agrees that, if any federal
8 law enforcement agency seized any illegal contraband that was in Defendant's direct or
9 indirect control, Defendant consents to the federal administrative disposition, official use,
10 and/or destruction of that contraband. The consent to abandonment includes but is not
11 limited to:

- 12 a. Taurus TX .22-caliber pistol (serial number 1PT030979);
- 13 b. Gemtech GM-22 silencer (serial number S14-80906) and two
14 magazines;
- 15 c. Modified Savage Arms Stevens Model 9478 20-gauge shotgun with
16 a sawed-off 12-inch barrel (serial number E834682);
- 17 d. Charter Arms Undercover .38 Special revolver (serial number
18 1028060);
- 19 e. Winchester Model 70 .30-06 bolt-action rifle (serial number
20 208204);
- 21 f. Vortex Model 4-16X44 Viper scope (serial number A1900609); and,
- 22 g. Remington Model 581 .22-caliber bolt-action rifle (serial number
23 36415); and,
- 24 h. Any associated ammunition.

25 13. **Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
26 the United States Attorney's Office for the Western District of Washington agrees not to
27 prosecute Defendant for any additional offenses known to it as of the time of this Plea
28 Agreement based upon evidence in its possession at this time, and that arise out of the

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

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

13 | 14. **Enhanced Penalties.** Under this Plea Agreement, and conditioned upon
14 | Defendant's fulfillment of all its terms and conditions, the United States agrees not to
15 | pursue enhanced penalties under 18 U.S.C. § 924(c)(1)(B)(i) or (ii).

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

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

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

9 **16. Waiver of Appellate Rights and Rights to Collateral Attacks.** Defendant
10 acknowledges that, by entering the guilty pleas required by this Plea Agreement,
11 Defendant waives all rights to appeal from Defendant's conviction, and any pretrial
12 rulings of the Court, and any rulings of the Court made prior to entry of the judgment of
13 conviction. Defendant further agrees that, provided the Court imposes a custodial
14 sentence that is within or below the Sentencing Guidelines range (or the statutory
15 mandatory minimum, if greater than the Guidelines range) as determined by the Court at
16 the time of sentencing, Defendant waives to the full extent of the law:

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

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

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

27 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
28 attacking (except as to effectiveness of legal representation) the conviction or sentence in

1 any way, the United States may prosecute Defendant for any counts, including those with
2 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea
3 Agreement.

4 17. **Voluntariness of Plea.** Defendant agrees that Defendant has entered into
5 this Plea Agreement freely and voluntarily, and that no threats or promises were made to
6 induce Defendant to enter a plea of guilty other than the promises contained in this Plea
7 Agreement or set forth on the record at the change of plea hearing in this matter.

8 18. **Statute of Limitations.** In the event this Plea Agreement is not accepted by
9 the Court for any reason, or Defendant breaches any of the terms of this Plea Agreement,
10 the statute of limitations shall be deemed to have been tolled from the date of the Plea
11 Agreement to: (1) thirty days following the date of non-acceptance of the Plea Agreement
12 by the Court; or (2) thirty days following the date on which a breach of the Plea
13 Agreement by Defendant is discovered by the United States Attorney's Office.

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

3 Dated this 7th day of March, 2022.

4
5
6 *s/ Nicholas Partlow*

7 _____
8 NICHOLAS PARTLOW
9 Defendant

10 *s/ Gregory Geist*

11 _____
12 GREGORY GEIST
13 Attorney for Defendant

14 *s/ Jonas Lerman for*

15 _____
16 GRADY J. LEUPOLD
17 Assistant United States Attorney

18 *s/ Jonas Lerman*

19 _____
20 JONAS LERMAN
21 Assistant United States Attorney
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