

1985



STATE OF NEW YORK
DEPARTMENT OF LAW

TWO WORLD TRADE CENTER
NEW YORK, NY 10047
(212) 488-7563

ROBERT ABRAMS
Attorney General

ORESTES J. MHALY
Assistant Attorney General in Charge
Investor Protection and Securities Bureau

January 30, 1985

Guy W. Turner, Esq.
2699 South Bayshore Drive
Suite 600C
Miami, Florida 33133

Dear Mr. Turner:

On the understandings specified below the New York State Attorney General will accept a guilty plea from James D. Alderdice to four felony counts under Indictment #883/83 charging 17 counts of grand larceny in the second degree and 17 counts of securities fraud as a felony. It is understood that:

1. The defendant will plead guilty to four felony counts as follows: two counts of grand larceny in the second degree, a D felony, which carries a maximum sentence of 7 years in prison for each count and two counts of securities fraud, an E felony, which carries a maximum sentence of 4 years in prison. This plea will be in full satisfaction of all the charges contained in Indictment #883/83 filed in Westchester County, New York.

2. This plea will cover all larcenies, frauds and other violations of the Martin Act, General Business Law Article 23-A, committed by this defendant in the course of his association with the International Gold Bullion Exchange Inc.

3. The Attorney General agrees to recommend that the Court sentence this defendant to a prison term of from 1 to 5 years.

4. The Attorney General further agrees to recommend that any sentence be made to run concurrent between the counts and concurrent as to any time imposed in the Florida state or federal proceedings against the defendant.

5. The Attorney General also agrees to recommend that any sentence imposed by this Court be made nunc pro tunc from July of 1983 to permit credit for time already served by the defendant.

6. The Attorney General further agrees to the extent possible that the defendant be permitted to serve his New York sentence in a federal facility. The Attorney General is not responsible for any state time the defendant is required to serve because of differences in the sentences of the different courts or enforcement or interpretation of correction laws.

7. It is further understood that this agreement is limited to the office of the New York State Attorney General and cannot bind other federal, state or local prosecuting authorities. It is understood that the defendant has or will enter into separate agreements with the Broward County State Attorney's Office of Florida and the U.S. Attorney for the Southern District of Florida.

8. It is understood that the defendant James D. Alderdice hereby waives his statutory right to appeal and any collateral attack on the conviction for any ground including but not limited to double jeopardy in this prosecution and will waive such right at the time of sentencing in New York.

9. The defendant James D. Alderdice agrees to cooperate fully, completely and truthfully with state and federal authorities and to submit himself to such debriefings, and testimony as may be deemed appropriate or as required by the New York State Attorney General.

10. It is further understood that James D. Alderdice must at all times give complete, truthful and accurate information and testimony. He may be called upon to provide information under oath. Should it be judged by this office that James D. Alderdice has given materially false, incomplete or misleading information or testimony or has otherwise violated any provisions of this agreement this agreement may be deemed null and void by this office and James D. Alderdice shall thereafter be subject to prosecution for any state criminal violation which this office has knowledge including but not limited to perjury and obstruction of justice. Any such prosecution may be premised upon any information provided by James D. Alderdice during the course of this cooperation and such information may be used against James D. Alderdice. However, James D. Alderdice's previously entered plea of guilty will not be affected and will stand as entered.

11. The defendant will appear for the entry of his plea of guilty as described above at White Plains, New York on February 6, 1985 at the Westchester County Courthouse or at such other time as may be required by the New York Attorney General. Prior to such appearance he will be required to be processed for fingerprinting, booking, etc. by police officers as required by New York practice and law.

To: Guy W. Turner, Esq.

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January 30, 1985

12. No additional promises, agreements and conditions have been entered into other than those set forth in this letter and none will be entered into unless in writing and signed by all parties.

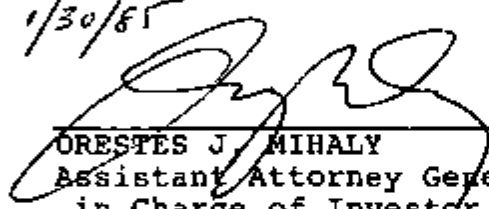
13. If the foregoing materially reflects the agreement between the New York State Attorney General and your client, James D. Alderdice, it is requested that you and your client execute this letter as provided below.

Very truly yours,

MARK TEPPER
Assistant Attorney General

Approved:

Dated: 1/30/85



ORESTES J. MIHALY
Assistant Attorney General
in Charge of Investor Protection
and Securities Bureau

Agreed and Consented to

Dated:

JAMES D. ALDERDICE

GUY W. TURNER
Attorney for James D. Alderdice