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SEP - 6 2011

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U.S. Department of Justice  
United States Attorney  
Middle District of Florida

501 West Church Street, Suite 300  
Orlando, Florida 32805  
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Main Office  
400 North Tampa Street, Suite 3200  
Tampa, Florida 33602  
813/274-6000  
813/274-6358 (Fax)

Reply to: Tampa, Florida

September 1, 2011

Daniel M. Hernandez, Esquire  
902 N. Armenia Avenue  
Tampa, Florida 33609

913-875-9694

Re: United States v. Larry M. Myers  
Case No. 8:96-Cr-00064-T-23TBM

Mail To  
Caren DeAryan  
1271 Thunder Mt. Rd  
Caddo Gap, AR 71935  
bjc

Dear Mr. Hernandez:

Enclosed are the following documents:

1. Plea Agreement;
2. Financial Disclosure Statement; and
3. Individual Declaration as to Payment of Special Assessment Upon Conviction

If the plea agreement is acceptable to both you and your client, please return all the foregoing documents to me fully executed no later than September 15, 2011.

Thank you for your prompt assistance in connection with this matter. If you wish to discuss any of these matters further, you may contact me at 813/274-6000.

Sincerely,

ROBERT E. O'NEILL  
United States Attorney

By: ROBERT T. MONK  
Assistant United States Attorney

Enclosure

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:09-Cr-64-T-23MAP

LARRY M. MYERS

**PLEA AGREEMENT**

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by Robert E. O'Neill, United States Attorney for the Middle District of Florida, and the defendant, LARRY M. MYERS, and the attorney for the defendant, Daniel Hernandez, Esquire, mutually agree as follows:

A. **Particularized Terms**

1. **Count(s) Pleading To**

The defendant shall enter a plea of guilty to Counts One and Four of the Indictment. Count One charges the defendant with conspiracy to deliver threatening communications, to corruptly impede the administration of justice (grand jurors and petit jurors in the discharge of their responsibilities); and to use intimidation and threats to influence an official proceeding, all in violation of 18 U.S.C. § 371. Count Four charges the defendant with mailing threatening communications, in violation of Title 18 U.S.C. § 876.

} 5 years  
} 20 years!

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AF Approval My

2. Maximum Penalties

Count One carries a maximum sentence of five (5) years imprisonment, a fine of \$250,000, a term of supervised release of not more than three (3) years, and a special assessment of \$100.00. Count Four carries a maximum sentence of twenty (20) years imprisonment, a fine of \$250,000, a term of supervised release of not more than 3 years and a special assessment of \$100 per felony count. The special assessments are to be due on the date of sentencing. With respect to certain offenses, the Court shall order the defendant to make restitution to any victim of the offense(s), and with respect to other offenses, the Court may order the defendant to make restitution to any victim of the offense(s), or to the community, as set forth below.

3. Elements of the Offense(s)

The defendant acknowledges understanding the nature and elements of the offense(s) with which defendant has been charged and to which defendant is pleading guilty. The elements of Count One are:

- |                |  |    |
|----------------|--|----|
| <u>First:</u>  | that two or more persons, in some way or manner, came to a mutual understanding to try to accomplish a common and unlawful plan, as charged in the Indictment; | NO |
| <u>Second:</u> | that the defendant willfully became a member of such conspiracy;   | NO |
| <u>Third:</u>  | that one of the conspirators, during the existence of the conspiracy, knowingly committed at least one of the overt acts described in the Indictment; and      | NO |
| <u>Fourth:</u> | that such overt act was knowingly committed at or about the time alleged, in an effort to carry out or accomplish some object of the conspiracy.               | NO |

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The elements of Count Four are:

- First: that the defendant knowingly deposited or caused to be deposited in the mail, for delivery by the Postal Service, a communication containing a true threat, as charged; NO  
NO
- Second: that the nature of the threat was to [arrest, injure the person or the reputation of another, or accuse another of a crime]; and NO
- Third: that the defendant made the threat willfully, and with intent to extort money or other thing of value. NO

4. Counts Dismissed

At the time of sentencing, the remaining counts against the defendant, Counts Two, Twelve and Thirteen, will be dismissed pursuant to Fed. R. Crim. P. 11(c)(1)(A).

5. No Further Charges

If the Court accepts this plea agreement, the United States Attorney's Office for the Middle District of Florida agrees not to charge defendant with committing any other federal criminal offenses known to the United States Attorney's Office at the time of the execution of this agreement, related to the conduct giving rise to this plea agreement.

6. Mandatory Restitution to Victim of Offense of Conviction

Pursuant to 18 U.S.C. §§ 3663A(a) and (b), defendant agrees to make full restitution to the victims of the offenses of conviction.

7. Guidelines Sentence

Pursuant to Fed. R. Crim. P. 11(c)(1)(B), the United States will recommend to the Court that the defendant be sentenced within the defendant's applicable guidelines range as determined by the Court pursuant to the United States

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Sentencing Guidelines, as adjusted by any departure the United States has agreed to recommend in this plea agreement. The parties understand that such a recommendation is not binding on the Court and that, if it is not accepted by this Court, neither the United States nor the defendant will be allowed to withdraw from the plea agreement, and the defendant will not be allowed to withdraw from the plea of guilty.

8. Acceptance of Responsibility - Three Levels

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted, the United States will not oppose the defendant's request to the Court that the defendant receive a two-level downward adjustment for acceptance of responsibility, pursuant to USSG §3E1.1(a). The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

Further, at the time of sentencing, if the defendant's offense level prior to operation of subsection (a) is level 16 or greater, and if the defendant complies with the provisions of USSG §3E1.1(b), the United States agrees to file a motion pursuant to USSG §3E1.1(b) for a downward adjustment of one additional level. The defendant understands that the determination as to whether the defendant has qualified for a downward adjustment of a third level for acceptance of responsibility rests solely with the United States Attorney for the Middle District of Florida, and the defendant agrees that the defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

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9. Abandonment of Property - Firearms and Ammunition

The United States of America and defendant hereby agree that any firearm and/or ammunition as defined in 18 U.S.C. § 921, seized from defendant and currently in the custody and/or control of the Bureau of Alcohol, Tobacco and Firearms, were properly seized and are subject to forfeiture to the government according to 18 U.S.C. § 924(d) and/or that the firearms and ammunition constitute evidence, contraband, or fruits of the crime to which he/she has pled guilty. As such, defendant hereby relinquishes all claim, title and interest he/she has in the firearms and ammunition to the United States of America with the understanding and consent that the Court, upon approval of this agreement, hereby directs the Bureau of Alcohol, Tobacco and Firearms, or other appropriate agency, to cause the firearms and/or ammunition described above to be destroyed forthwith without further obligation or duty whatsoever owing to defendant or any other person.

As part of the plea agreement in this case, defendant in this case hereby states under penalty of perjury that he/she is the sole and rightful owner of the property, and that defendant hereby voluntarily abandons all right and claim to the following firearms which were seized on February 3, 1995: a .44 caliber magnum with ammunition; a 7.62 semiautomatic pistol with loaded magazines; a .22 caliber handgun with magazine; and ammunition.

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