



U.S. Department of Justice

United States Attorney's Office  
District of Delaware

The Nemours Building  
1007 N. Orange Street, Suite 700  
P.O. Box 2046  
Wilmington, Delaware 19899-2046

(302) 573-6277  
FAX (302) 573-6220

December 2, 2008

**BY ELECTRONIC MAIL**

Elizabeth Lowery, Esq.  
Edgerton and Weaver  
2615 Pacific Coast Hwy.  
Suite 300  
Hermosa Beach, CA 90254  
ELowery@edgertonweaver.com

**Re: Mr. Mangiapane**

Dear Ms. Lowery:

With respect to the interview of your client, Joseph Mangiapane, by representatives of the United States Attorney's Office for the District of Delaware and federal law enforcement scheduled for December 8, 2008 ("the interview"), the following terms and conditions apply:

1. No statements made or information provided by you or your client during the interview will be used against your client in the Government's case-in-chief at trial, or for the purposes of sentencing, in any criminal case, except as provided below.
2. The Government may use any statement made or information provided by your client, or on his behalf, in a prosecution for false statements, perjury, or obstruction of justice based on statements or actions during or subsequent to the interview.
3. The Government may use any statements made or information provided by your client, or on his behalf, during the interview to cross-examine your client at a trial or any other legal proceeding, and during rebuttal at trial or any other legal proceeding if your client testifies.
4. The Government may make derivative use of and may pursue any investigative leads suggested by any statements made or information provided by you or your client, and may use the evidence or information obtained therefrom against your client in any manner.
5. Your client knowingly and voluntarily waives any right your client might have under Federal Rule of Evidence 410, Federal Rule of Criminal Procedure 11(f), or otherwise, to prohibit the use of statements made or information provided during the interview.

Elizabeth Lowery, Esq.  
Edgerton and Weaver  
December 2, 2008

Page Two

Re: Joseph Mangiapane

6. Neither this letter nor the interview requires the Government, should charges be brought against him, to enter into any plea discussions with your client or to file any motion or make any recommendation regarding cooperation provided by your client. Your client understands that he is not entitled to any consideration regarding any future charges against him simply for participating in the interview, and expressly agrees that the interview does not itself constitute substantial assistance within the meaning of Section 5K1.1 of the United States Sentencing Guidelines. Your client further understands that the Government is not required to pursue any investigative leads suggested by statements made or information provided by your client.

7. Neither this letter nor the interview constitutes the timely provision of complete information to the Government concerning your client's involvement in any future charged offenses, within the meaning of Section 3E1.1(b)(1) of the United States Sentencing Guidelines.

8. No statements made or information provided by your client during the interview will be used directly to determine any applicable Sentencing Guidelines range, except as provided in this paragraph. The Government may, however, use such statements and information to pursue investigative leads suggested thereby and may use any evidence generated by its investigation directly against your client to determine the applicable guideline range. Further, the Government may use statements made or information provided by your client during the interview to cross-examine your client at any future sentencing and to rebut any evidence or arguments offered on your client's behalf. Moreover, should your client provide statements or information to the Probation Office during any presentence investigation that are materially inconsistent with statements made or information provided during the interview, the Government may use the statements made during the interview to seek an enhancement to the applicable guideline range. In addition, the Government may disclose to the Probation Office and the Court any statements made or information provided by

////////

Elizabeth Lowery, Esq.  
Edgerton and Weaver  
December 2, 2008


Page Three

Re: Joseph Mangiapane

your client during the interview and may use such statements and information to determine where within a given guideline range your client should be sentenced, and to oppose any downward departure or downward adjustment.

Very truly yours,

COLM F. CONNOLLY  
United States Attorney

BY:   
Shannon T. Hanson  
Assistant United States Attorney

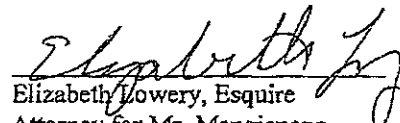
I have received this letter from my attorney. I have read it, and I understand it fully. I hereby accept the terms and conditions set forth in the letter.

AGREED AND ACCEPTED:

  
Joseph Mangiapane

Dated: 12/4/2008.

AGREED AND ACCEPTED:

  
Elizabeth Lowery, Esquire  
Attorney for Mr. Mangiapane

Dated: 12/4/08