

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 18-CR-20800

v.

HON. STEPHEN J. MURPHY III

D-5 DR. CHRISTOPHER RUSSO,

Defendant.

STIPULATED MEMORANDUM REGARDING PLEA OFFER

Pursuant to the Court's Case Management Order (ECF No. 385), and in accordance with *Lafler v. Cooper*, 132 S.Ct. 1376 (2012) and *Missouri v. Rye*, 132 S.Ct. 1399 (2012), the undersigned counsel for the government and the undersigned counsel for the defendant, agree and stipulate as follows:

1. The government has offered Dr. Christopher Russo the opportunity to enter a truthful guilty plea to Count 1 of the Indictment which charges him with Conspiracy to Commit Health Care Fraud in violation of 18 U.S.C. §§ 1347, 1349; and Count 54 of the Indictment which charges him with Unlawful Distribution of Controlled Substances in violation of 21 U.S.C. § 841(a)(1).
2. Defendant has the right to accept or reject the government's proposed plea offer; and he also has the right to plead guilty to the charges in the Indictment without any agreement with the government.

3. If Defendant were to accept the government's proposal to truthfully plead guilty, there may be terms and conditions more favorable to him than if he were to be convicted at trial.
4. The government's proposed plea offer anticipates a Sentencing Guideline range of 30 months to 37 months. If Defendant were to proceed to trial and be convicted as charged, his Sentencing Guideline range would likely be 240 months to 240 months.
5. Defendant understands that it is ultimately up to the Court to determine Defendant's Sentencing Guideline range; and to impose a sentence in this case. Defendant's sentence could be above or below the Sentencing Guidelines as determined by the Court.
6. Counsel for Defendant has had a full opportunity to discuss the proposed plea offer with Defendant and fully advise the Defendant on whether to accept or reject the government's proposed plea offer.
7. Counsel for Defendant has fully explained the law and pertinent facts know to them; and Defendant has a clear understanding of the facts and law applicable in this case.
8. Defendant is satisfied with his counsel's advice on the decision to accept or reject the government's proposed plea offer; and he has decided to reject the government's proposed plea offer even though it may have terms and conditions that are more favorable to him than if he were to be convicted at trial.

IT IS SO STIPULATED.

s/Brandy R. McMillion

Brandy R. McMillion

United States Attorney's Office
211 W. Fort Street, Suite 2001
Detroit, MI 48226
313-226-9622
brandy.mcmillion@usdoj.gov
Counsel for the United States

s/Brandon Helms

Brandon Helms

United States Attorney's Office
211 W. Fort Street, Suite 2001
Detroit, MI 48226
313-226-9639
brandon.helms@usdoj.gov
Counsel for the United States

s/with consent of Laurence H. Margolis

Laurence H. Margolis

Margolis Law
214 S. Main Street, Suite 200
Ann Arbor, MI 48104
734-994-9590
larry@lawinannarbor.com
Counsel for Dr. Christopher Russo