

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON**

Eastern District of Kentucky
FILED

SEP 19 2018

AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

CRIMINAL ACTION NO. 5:17-85-KKC

UNITED STATES OF AMERICA

PLAINTIFF

V.

PLEA AGREEMENT

WILLIAM "ROBBIE" CONN

DEFENDANT

* * * * *

1. Pursuant to Federal Rule of Criminal Procedure 11(c), the Defendant will enter a guilty plea to Count 6 of the Indictment, charging a violation of 18 U.S.C. § 1001(a)(3), Submitting a False Document to the United States. Pursuant to Rule 11(c)(1)(A), the United States will move at sentencing to dismiss Counts 1 through 5, and Count 7.

2. The essential elements of Count 6 are:

- (a) That the defendant made a false document, in that the document contained a statement that was false;
- (b) That the false statement was material;
- (c) That the defendant acted knowingly and willfully; and
- (d) That the document pertained to a matter within the jurisdiction of the executive branch of the United States government, that is, the Social Security Administration and Medicare.

3. As to Count 6, the United States could prove the following facts that establish the essential elements of the offense beyond a reasonable doubt, and the Defendant admits these facts:

(a) William “Robbie” CONN was a pastor at the Jeffersonville Assembly of God, from a period of at least 2009 through the date of Indictment.

(b) In May 2009, CONN applied for disability benefits related to a heart condition. The Social Security Administration (SSA) approved CONN’s application and paid CONN monthly benefits for himself and his three children from then until the date of the Indictment.

(c) Two primary factors for SSA disability benefit eligibility are a disabling condition and an inability to work as a result. In February of 2010, CONN received a heart transplant. He returned to the Jeffersonville Assembly of God as early as May 2010. Part of his return included performance of funeral and other miscellaneous, religiously affiliated services for which he was compensated, but never informed SSA of his change in status, that is, his ability to return to work.

(d) On August 14, 2015, CONN visited the SSA office in Lexington, Kentucky. He completed a SSA Statement of Claimant or Other Person Form (Form SSA-795), wherein he falsely stated that he does not work or do anything that could be perceived as work such as volunteer. He signed that document under penalties of perjury.

(e) At the time he signed this document, CONN knew he had been regularly preaching at the Jeffersonville Assembly of God, as well as at other religious-based gatherings, since at least May of 2010.

(f) As a result of CONN’s conduct, he and his children received \$111,382.00 from the SSA, to which they were not entitled. CONN also received \$26,808.87 in medical services funded by Medicaid, the funding for which he was not entitled.

4. The statutory punishment for Count 6 is imprisonment for not more than 5 years, a fine of not more than \$250,000, and a term of supervised release of not more than 3 years. A mandatory special assessment of \$100 applies, and the Defendant will pay this assessment to the U.S. District Court Clerk at the time of the entry of the plea.

5. Pursuant to Rule 11(c)(1)(B), the United States and the Defendant recommend the following sentencing guidelines calculations, and they may object to or argue in favor of other calculations. This recommendation does not bind the Court.

(a) United States Sentencing Guidelines (U.S.S.G.), November 1, 2016, manual, will determine the Defendant's guidelines range.

(b) Pursuant to U.S.S.G. § 1B1.3, the Defendant's relevant conduct includes the SSDI and Medicare payments he received from 2009 through 2017.

(c) Pursuant to U.S.S.G. § 2B1.1(a)(1), the base offense level is 6.

(d) Pursuant to U.S.S.G. § 2B1.1(b)(1)(E), increase the offense level by 8 levels for loss amount exceeding \$95,000.

(e) Pursuant to U.S.S.G. § 3E1.1 and unless the Defendant commits another crime, obstructs justice, or violates a court order, decrease the offense level by 2 levels for the Defendant's acceptance of responsibility. If the offense level determined prior to this 2-level decrease is level 16 or greater, the United States will move at sentencing to decrease the offense level by 1 additional level based on the Defendant's timely notice of intent to plead guilty.

(f) Pursuant to U.S.S.G. § 5E1.1, restitution is \$138,190.87, and the victim is the Social Security Administration and Medicare.

6. No agreement exists about the Defendant's criminal history category pursuant to U.S.S.G. Chapter 4.

7. The Defendant waives the right to appeal the guilty plea and conviction. Except for claims of ineffective assistance of counsel, the Defendant also waives the right to attack collaterally the guilty plea, conviction, and sentence.

8. The United States will recommend releasing the Defendant on the current conditions for future court appearances if the Defendant does not violate the terms of the order setting conditions of release.

9. In the event that the Court accepts the Defendant's guilty plea, the United States will move to dismiss the Indictment against Tanya D. Conn pursuant to Rule 48(a).

10. The Defendant agrees to cooperate fully with the United States Attorney's Office by making a full and complete financial disclosure. The Defendant agrees to complete and sign a financial disclosure statement or affidavit disclosing all assets in which the Defendant has any interest or over which the Defendant exercises control, directly or indirectly, including those held by a spouse, nominee, or other third party, and disclosing any transfer of assets that has taken place within three years preceding the entry of this plea agreement. The Defendant will submit to an examination, which may be taken under oath and may include a polygraph examination. The Defendant will not encumber, transfer, or dispose of any monies, property, or assets under the Defendant's custody or control without written approval from the United States Attorney's Office. If the Defendant is ever incarcerated in connection with this case, the Defendant will participate in the Bureau of Prisons Inmate Financial Responsibility Program, regardless of whether the Court specifically directs participation or imposes a schedule of payments. If the Defendant fails to comply with any of the provisions of this paragraph, the United States, in its discretion, may refrain from moving the Court pursuant to U.S.S.G. § 3E1.1(b) to reduce the offense

level by one additional level, and may argue that the Defendant should not receive a two-level reduction for acceptance of responsibility under U.S.S.G. § 3E1.1(a).

11. The Defendant understands and agrees that, pursuant to 18 U.S.C. § 3613, whatever monetary penalties are imposed by the Court will be due and payable immediately and subject to immediate enforcement by the United States. If the Court imposes a schedule of payments, the Defendant agrees that it is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment. The Defendant waives any requirement for demand of payment on any fine, restitution, or assessment imposed by the Court and agrees that any unpaid obligations will be submitted to the United States Treasury for offset. The Defendant authorizes the United States to obtain the Defendant's credit reports at any time. The Defendant authorizes the U.S. District Court to release funds posted as security for the Defendant's appearance bond in this case, if any, to be applied to satisfy the Defendant's financial obligations contained in the judgment of the Court.

12. If the Defendant violates any part of this Agreement, the United States may void this Agreement and seek an indictment for any violations of federal laws, and the Defendant waives any right to challenge the initiation of additional federal charges.

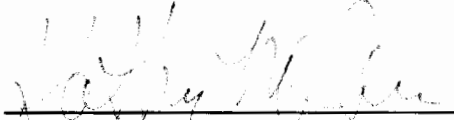
13. This document and the sealed supplement contain the complete and only Plea Agreement between the United States Attorney for the Eastern District of Kentucky and the Defendant. The United States has not made any other promises to the Defendant.

14. This Agreement does not bind the United States Attorney's Offices in other districts, or any other federal, state, or local prosecuting authorities.

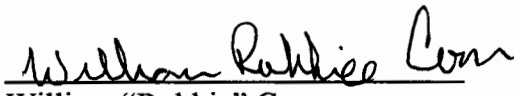
15. The Defendant and the Defendant's attorney acknowledge that the Defendant understands this Agreement, that the Defendant's attorney has fully explained this Agreement to the Defendant, and that the Defendant's entry into this Agreement is voluntary.

ROBERT M. DUNCAN, JR.
UNITED STATES ATTORNEY


Date: 9/19/18


By: 
Kathryn M. Anderson
Assistant United States Attorney

Date: 9/19/18


William "Robbie" Conn
Defendant

Date: 9/19/18


Scott Hayworth
Attorney for Defendant


James Lowrey
James Lowrey