

Part 51 FEB 11 2025

PLEA AGREEMENT
People v. Stephen Bannon
Indictment Number 73554/2022

1. This is the plea agreement (“Agreement”) between the District Attorney of the County of New York (“District Attorney”), and Stephen Bannon (the “Defendant”). This Agreement constitutes the entire agreement between the District Attorney and the Defendant. There are no promises, agreements, or conditions, express or implied, between the parties other than those set forth in this document. No modification, deletion or addition to this Agreement will be valid or binding on either party unless put into writing and signed by all parties.

2. This Agreement is subject to the approval of the Court, and is conditioned upon the Court’s acceptance of the Agreement.

3. On August 29, 2022, Defendant, along with Co-Defendant WeBuildTheWall, Inc. (“Co-Defendant” or “WBTW”), was indicted by a New York County Grand Jury on two counts of Money Laundering in the Second Degree, one count under PL § 475.15(1)(b)(i)(a) and one count under PL § 475.15(1)(b)(ii)(a), two counts of Conspiracy in the Fourth Degree to commit Money Laundering in the Second Degree (one corresponding to each theory of money laundering), as well as Scheme to Defraud in the First Degree in violation of PL § 195.65(1) and Conspiracy in the Fifth Degree to commit Scheme to Defraud.

4. The maximum sentence on Count One of the Indictment, Money Laundering in the Second Degree, PL § 475.15(1)(b)(i)(a), a class C felony, is a term of 5 to 15 years in state prison.

5. The Defendant agrees to plead guilty to Count Five, Scheme to Defraud in the First Degree, Penal Law § 190.65(1)(a), a class E felony, in full satisfaction of the Indictment. The Defendant is pleading guilty to Scheme to Defraud in the First Degree because he is guilty of Scheme to Defraud in the First Degree, as charged in the Indictment.

6. The Defendant understands that such conviction carries a maximum sentence of one-and-one-third years to four years in state prison.

7. The Defendant admits that, during the period from on or about January 11, 2019, to on or about December 31, 2019, in the County of New York and elsewhere:

- a. the Defendant, acting both principally and in concert with others, engaged in a scheme consisting of an ongoing course of conduct,
- b. with intent to defraud ten or more persons or to obtain property from ten or more persons by false and fraudulent pretenses, representations, and promises,
- c. and so obtained property from one or more of such persons.

8. At the time of his guilty plea, the Defendant shall waive certain rights of appeal, including but not limited to his rights relating to the statute of limitations and venue, and shall sign a written waiver of the right to appeal. This knowing and voluntary waiver of the right to appeal the judgment of conviction is in recognition of the favorable plea and sentence that the Defendant is receiving and the Defendant understands that the appellate rights that are being waived are separate and apart from those rights that he automatically forfeits by his guilty plea.

9. As a condition of his guilty plea, the Defendant knowingly and voluntarily withdraws all pending defense motions.

10. The Defendant has indicated through counsel his desire to waive any further discovery pursuant to Criminal Procedure Law § 245.75, and acknowledges that such waiver was not a condition of this plea offer. Accordingly, at the time of the plea, the Defendant will execute a separate waiver of discovery document, which will become part of the official record.

11. As long as the Defendant meet the terms and conditions set forth herein, and subject to approval from the Court, the District Attorney will recommend to the Court that the Defendant be sentenced to a three-year conditional discharge to satisfy the Indictment.

12. The defendant agrees that the following will be included among the conditions imposed during the three-year period of his conditional discharge, in addition to any other conditions imposed by the Court:

- a. The Defendant shall not serve as an officer, director, or in any other fiduciary position, of a charitable not-for-profit corporation, other charitable organization, or other ostensibly charitable organization, holding assets in New York State.

- b. The Defendant shall not conduct fundraising efforts for any charitable not-for-profit corporation, other charitable organization, or other ostensibly charitable organization holding assets in New York State.
- c. The Defendant shall not receive or hold assets for any charitable not-for-profit corporation, other charitable organization, or other ostensibly charitable organization holding assets in New York State.
- d. These conditions do not prevent the Defendant from participating as a volunteer for and/or on behalf of any charitable not-for-profit corporation, other charitable organization, other ostensibly charitable organization holding assets in New York State.
- e. The Defendant
 - i. shall not, either personally or on behalf of any corporation or any other entity use any data gathered from donors to WBTW, including donor names and contact information, for any fundraising or other financial solicitations;
 - ii. shall not, either personally or on behalf of any corporation or any other entity, sell data gathered from donors to WBTW, including donor names and contact information; and
 - iii. shall, to the extent that he, either personally or on behalf of any corporation or any other entity, possesses any data gathered from donors to WBTW, including donor names and contact information, destroy such data.

13. The Defendant understands that he must abide by the September 19, 2022 Protective Order issued by the Court on consent of all parties. The Defendant acknowledges that a violation of this order, or any other protective orders issued, may constitute a separate crime and may result in a violation of his conditional discharge.

14. Defendant acknowledges that the commission of any additional offense(s) during the pendency of the conditional discharge may also result in a violation.

15. Should the Defendant fail in any respect to satisfy the terms set forth in this Agreement, the District Attorney will not consent to any withdrawal of his guilty plea and will refer the matter to the Court pursuant to CPL § 410.70. The Defendant understands that under the law he could receive any lawful sentence, including the maximum sentence of one-and-one-third to four years in state prison.

16. This Agreement is limited to the District Attorney and cannot bind other government agencies.

17. Defendant will allocute under oath in court that all statements contained in this Agreement are true and accurate, and this Agreement will be made part of the court record.

18. The Defendant and counsel's signatures below constitute proof that the Defendant entered into this plea agreement knowingly, intelligently, and voluntarily after a full and sufficient opportunity to consult with their undersigned counsel.

Dated: February __, 2025
New York, New York



Stephen Bannon
Defendant



Arthur Aidala
Counsel for the Defendant



Jeffrey Levinson
Michael Frantel
Assistant District Attorneys
Greg Morrill
Special Assistant District Attorney