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11 Dorothy Matsuba

12 UNITED STATES DISTRICT COURT

13 CENTRAL DISTRICT OF CALIFORNIA

14 THE UNITED STATES OF
15 AMERICA

16 Plaintiff,

17 vs.

18 DOROTHY MATSUBA, et al,
19 Defendants.

Case No: CR 16-538-RGK-1

DEFENDANT DOROTHY'S
MATSUBA NOTICE OF INTENT
TO PLEAD GUILTY TO ALL
OFFENSES CHARGED IN THE
INDICTMENT; WAIVER OF
RIGHTS, ACKNOWLEDGMENT,
AND FACTUAL BASIS

Date: December 5, 2017
Time: 8:30 am

20 COMES NOW defendant, Dorothy Matsuba, by and through her counsel of
21 record Jerome J. Haig, pursuant to Rule 11 of the Federal Rules of Criminal
22 Procedure, hereby files her notice of intent to plead guilty, without benefit of a
23 plea agreement, to the following offenses charged in the Indictment:

- 24 • Conspiracy to Commit Wire Fraud, False Statements to Federally
25 Insured Banks or Mortgage Lending Businesses, and Identity Theft in

1 violation of 18 U.S.C. § 371, as charged in Count 1 of the Indictment.

- 2 • Wire Fraud in violation of 18 U.S.C. § 1343, as charged in Counts 2 -
3 6 of the Indictment
- 4 • False Statements to Federally Insured Banks or Mortgage Lending
5 Businesses in violation of 18 U.S.C. § 1014, as charged in Counts 7 -
6 11 of the Indictment
- 7 • Aggravated Identity Theft in violation of 18 U.S.C. § 1028A, as
8 charged in Counts 13 - 18 of the Indictment

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10 It is anticipated that Dorothy Matsuba will formally change her plea prior on
11 December 5, 2017 to commencement of the scheduled jury trial, or at such other
12 date and time as the Court shall order.

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14 Dated: December 3, 2017

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16 Respectfully submitted,

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19 /s/ Jerome J. Haig
20 Jerome J. Haig
21 Attorney for defendant Dorothy Matsuba
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1 III. FACTUAL BASIS

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3 Defendant Dorothy Matsuba sets forth the following factual basis for her guilty
4 plea to Counts 1 - 18 of the Indictment:

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6 Count 1: Between 2005 and 2014, Dorothy Matsuba agreed with one or more
7 other persons to commit wire fraud and make false statements on a
8 loan application, in violation of 18 U.S.C. § 371. In furtherance of
9 this conspiracy, the following overt acts occurred:

- 10 • On or about April 1, 2013, Dorothy Matsuba and other
11 co-conspirators submitted false hardship documents by
12 fascimile to CitiMortgage in O’Fallon, Missouri, to delay
13 foreclosure on a residence at 6501 Radford Avenue,
14 North Hollywood, CA (Radford Avenue Property), in
15 violation of 18 U.S.C. § 1343.
- 16 • On or about September 8, 2011, Dorothy Matsuba and
17 others submitted a false short sale purchase offer on the
18 property located at 13243 Bryson Street, Arleta, CA
19 (Bryson Street Property) via fascimile to Wells Fargo
20 Home Mortgage, dba America’s Servicing Center,
21 located in Des Moines, Iowa, in violation of 18 U.S.C. §
22 1343.
- 23 • On or about May 7, 2014, Dorothy Matsuba and others
24 submitted a false and forged supplemental declaration of
25 S.M.L. in support of an application for a temporary
26 restraining order in Los Angeles County Superior Court
27 related to the Willowbrae Property, in violation of 18

U.S.C. § 1014.

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3 Count 2: On or about September 8, 2011, Dorothy Matsuba and others
4 submitted a false short sale purchase offer on the property located at
5 13243 Bryson Street, Arleta, CA (Bryson Street Property) via
6 facsimile to Wells Fargo Home Mortgage, dba America’s Servicing
7 Center, located in Des Moines, Iowa, in violation of 18 U.S.C. §
8 1343.

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10 Count 3: On or about April 3, 2014, Dorothy Matsuba and others prepared a
11 loan modification request for the Bryson Street Property, that featured
12 forged signatures and a fabricated income tax return, and sent by
13 facsimile to America’s Home Mortgage Servicing, in Des Moines,
14 IA, in violation of 18 U.S.C. § 1343.

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16 Count 4: On or about December 2, 2013, Dorothy Matsuba and others prepared
17 a false short sale offer in the name of K.G. and stolen identity S.M.L.
18 for the property located at 10454 Willowbrae Avenue, Chatsworth,
19 CA (Willowbrae Avenue Property), by facsimile to CitiMortgage in
20 Missouri, in violation of 18 U.S.C. § 1343.

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22 Count 5: On or about April 1, 2013, Dorothy Matsuba and others submitted a
23 false shortsale purchase offer for Radford Avenue Property by
24 sending by facsimile to CitiMortgage in Missouri that contained a
25 fictitious person (E.D.) and the stolen identity of J.H., in violation of
26 18 U.S.C. § 1343.

1 Count 6: On or about April 10, 2013, Dorothy Matsuba and others submitted
2 false hardship letters by fascimile to CitiMortgage in Missouri that
3 contained the stolen identity of J.H. in violation of 18 U.S.C. § 1343.
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5 Count 7: On or about February 20, 2014, Dorothy Matsuba and others
6 submitted a false and forged declaration of S.M.L in support of a
7 temporary restraining order filed in Los Angeles County Superior
8 Court related to the Willowbrae Property, and served same to counsel
9 for CitiMortgage, in violation of 18 U.S.C. §§ 1014 and 2.
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11 Count 8: On or about May 7, 2014, Dorothy Matsuba and others submitted a
12 false and forged supplemental declaration of S.M.L. in support of an
13 application for a temporary restraining order in Los Angeles County
14 Superior Court related to the Willowbrae Property, and served same
15 to counsel for CitiMortgage, in violation of 18 U.S.C. §§ 1014 and 2.
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17 Count 9: On or about June 29, 2009, Dorothy Matsuba and others submitted a
18 short sale offer on the property at 20101 Halsted Street, Chatsworth,
19 CA (the Halsted Property) that included false statements of
20 unemployment and financial hardship, and submitted same to
21 American Home Mortgage Servicing in Iowa, in violation of 18
22 U.S.C. §§ 1014 and 2.
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24 Count 10: On or about March 25, 2010, Dorothy Matsuba and others submitted
25 a false loan modification request on the Halsted Property that
26 included a fake paystub and other false statements, and submitted
27 same to American Home Mortgage Servicing in Iowa, in violation of
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1 18 U.S.C. §§ 1014 and 2.

2
3 Count 11: On or about April 24, 2010, Dorothy Matsuba and others submitted a
4 false short sale purchase offer on the Halsted Property that contained
5 false statements regarding unemployment and financial hardship, and
6 submitted same to American Home Mortgage Servicing in Iowa, in
7 violation of 18 U.S.C. §§ 1014 and 2.

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9 Count 12: On or about June 25, 2007, Dorothy Matsuba and others submitted a
10 false mortgage loan application on behalf of stolen identity S.Y.Y on
11 the property at 10415 Monogram Avenue, Granada Hills, CA, in
12 violation of 18 U.S.C. §§ 1014 and 2.

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14 Count 13: On or about September 8, 2011, Dorothy Matsuba and others
15 possessed, used without legal authority, and transmitted the name and
16 signature of S.M.L. in relation to the charge of Wire Fraud (Count 2),
17 in violation of 18 U.S.C. § 1028A(a)(1).

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19 Count 14: On or about December 2, 2013, Dorothy Matsuba and others
20 possessed, used without legal authority, and transmitted the name,
21 social security number, and signature of S.M.L. in relation to the
22 charge of Wire Fraud (Count 4), in violation of 18 U.S.C. §
23 1028A(a)(1).

24 Count 15: On or about April 1, 2013, Dorothy Matsuba and others possessed,
25 used without legal authority, and transmitted the name, social security
26 number, and signature of J.H.. in relation to the charge of Wire Fraud
27 (Count 5), in violation of 18 U.S.C. § 1028A(a)(1).

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Count 16: On or about April 10, 2013, Dorothy Matsuba and others possessed, used without legal authority, and transmitted the name and signature of J.H.. in relation to the charge of Wire Fraud (Count 6), in violation of 18 U.S.C. § 1028A(a)(1).

Count 17: On or about February 20, 2014, Dorothy Matsuba and others possessed, used without legal authority, and transmitted the name and signature of S.M.L. in relation to the charge of False Statement (Count 7), in violation of 18 U.S.C. § 1028A(a)(1).

Count 18: On or about May 7, 2014, Dorothy Matsuba and others possessed, used without legal authority, and transmitted the name and signature of S.M.L. in relation to the charge of False Statement (Count 8), in violation of 18 U.S.C. § 1028A(a)(1).

IV. NATURE OF THE OFFENSES

Defendant understands that for defendant to be guilty of the crime charged in Count 1 of the Indictment, that is, conspiracy to commit wire fraud, false statements relating to loan applications, and identity theft in violation of 18 U.S.C. § 371, the following must be true: (1) beginning in or around January 2005, or earlier, and ending no earlier than in or around August 2014, there was an agreement between two or more persons to commit the crimes of wire fraud, false

1 statements relating to loan applications, and identity theft; (2) the defendant
2 became a member of the conspiracy knowing of at least one of its objects and
3 intending to help accomplish it; and (3) one of the members of the conspiracy
4 performed at least one overt act for the purpose of carrying out the conspiracy.

5 Defendant further understands that the elements of wire fraud in violation of
6 18 U.S.C. § 1343 are: (1) the defendant knowingly participated in a scheme or
7 plan to defraud, or a scheme or plan for obtaining money or property by means of
8 false or fraudulent pretenses, representations, or promises; (2) the statements made
9 or facts omitted as part of the scheme were material; that is, they had a natural
10 tendency to influence, or were capable of influencing, a person to part with money
11 or property; (3) the defendant acted with the intent to defraud, that is, the intent to
12 deceive or cheat; and (4) the defendant used, or caused to be used, a wire
13 communication to carry out or attempt to carry out an essential part of the scheme.

14 Defendant further understands that the elements of false statements relating to loan
15 applications in violation of 18 U.S.C. § 1014 are: (1) the defendant made a false
16 statement or report to a federally-insured bank or a mortgage lending business; (2)
17 the defendant made the false statement or report to the federally-insured bank or
18 mortgage lending business knowing it was false; and (3) the defendant did so for
19 the purpose of influencing in any way the action of the federally-insured bank or
20 mortgage lending business.

21 Defendant further understands that the elements of identity theft in violation
22 of 18 U.S.C. § 1028(a)(3) are: (1) the defendant knowingly possessed five or more
23 identification documents, authentication features, or false identification
24 documents; (2) the defendant intended to use unlawfully and transfer unlawfully
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1 those identification documents, authentication features, and false identification
2 documents; and (3) the identification documents, authentication features, and false
3 identification documents were or appeared to be issued by or under the authority
4 of the United States.

5 Defendant understands that for defendant to be guilty of the crime charged
6 in Counts 2 - 6 of the Indictment, that is, wire fraud in violation of 18 U.S.C.
7 §§ 1343, the following must be true: (1) the defendant knowingly participated in,
8 devised, or intended to devise a scheme or plan to defraud, or a scheme or plan
9 for obtaining money or property by means of false or fraudulent pretenses,
10 representations, or promises; (2) the statements made or facts omitted as part of
11 the scheme were material; that is, they had a natural tendency to influence, or were
12 capable of influencing, a person to part with money or property; (3) the defendant
13 acted with the intent to defraud, that is, the intent to deceive or cheat; and (4) the
14 defendant used, or caused to be used, an interstate wire communication to carry
15 out or attempt to carry out an essential part of the scheme.

16 Defendant understands that for defendant to be guilty of the crime charged
17 in Counts 7 - 11 of the Indictment, that is, false statements relating to loan
18 applications in violation of 18 U.S.C. §§ 1014 and 2, the following must be true:
19 (1) the defendant made a false statement or report to a federally-insured bank or a
20 mortgage lending business; (2) the defendant made the false statement or report to
21 the federally-insured bank or mortgage lending business knowing it was false; and
22 (3) the defendant did so for the purpose of influencing in any way the action of the
23 federally-insured bank or mortgage lending business.


24 Defendant understands that in order to be guilty of the crimes charged in
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1 Counts 13 - 18 of the Indictment, aggravated identity theft in violation of 18
2 U.S.C. § 1028A(a)(1), the following must be true: (1) the defendant knowingly
3 transferred, possessed, or used without legal authority a means of identification of
4 another person or a false identification document; (2) the defendant knew that the
5 means of identification belonged to a real person; and (3) defendant did so
6 during and in relation to the crime of wire fraud (as charged in Counts 2, 4, 5, and
7 6 in the indictment) and for Counts 17 and 18, the defendant did so during and in
8 relation to the crime of false statements to a federally insured bank or mortgage
9 lending business (as charged in Counts 7 and 8 in the indictment).

10
11 CERTIFICATION OF DEFENDANT

12
13 I, DOROTHY MATSUBA have read this document in its entirety. I have
14 had enough time to review and consider this agreement, and I have carefully and
15 thoroughly discussed every part of it with my attorney. I understand it, and I
16 voluntarily agree to it. I have discussed the evidence with my attorney, and my
17 attorney has advised me of my rights, of possible pretrial motions that might be
18 filed, of possible defenses that might be asserted either prior to or at trial, of the
19 sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing
20 Guidelines provisions, and of the consequences of entering into this agreement.
21 No promises, inducements, or representations of any kind have been made to me
22 in exchange for my change of plea. No one has threatened or forced me in any way
23 to enter a guilty plea to all the charges in the indictment. I am satisfied with the
24 representation of my attorney in this matter, and I am pleading guilty because I am
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1 guilty of the charges, wish to assert my acceptance of responsibility, and wish to
2 avoid a jury trial, and not for any other reasons.

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4 
5 DOROTHY MATSUBA
6 Defendant

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8 
9 Date

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11 CERTIFICATION OF DEFENDANT'S ATTORNEY

12 I am DOROTHY MATSUBA's attorney. I have carefully and thoroughly
13 discussed every part of this agreement with my client. Further, I have fully advised
14 my client of her rights, of possible pretrial motions that might be filed, of possible
15 defenses that might be asserted either prior to or at trial, of the sentencing factors
16 set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and
17 of the consequences of entering into this agreement. To my knowledge: no
18 promises, inducements, or representations of any kind have been made to my
19 client in regards to her decision to plead guilty; my client's decision to plead guilty
20 is an informed and voluntary one; and the factual basis set forth in this document
21 is sufficient to support my client's entry of guilty pleas pursuant to this document.

22 
23 Jerome J. Haig
24 Attorney for defendant
25 Dorothy Matsuba

26 December 3, 2017
27 Date