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8 Attorneys for Plaintiff
 9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

No. CR 15-558-SVW

13 Plaintiff,

PLEA AGREEMENT FOR DEFENDANT
 ARTASHES DARBINYAN

14 v.

15 ARTASHES DARBINYAN,

16 Defendant.

17
 18 1. This constitutes the plea agreement between Artashes
 19 Darbinyan (the "defendant") and the Criminal Division, Fraud Section,
 20 of the U.S. Department of Justice (the "government") in the above-
 21 captioned case. This agreement is limited to the government and
 22 cannot bind any other federal, state, local, or foreign prosecuting,
 23 enforcement, administrative, or regulatory authorities.

24 DEFENDANT'S OBLIGATIONS

25 2. The defendant agrees to:

26 a. At the earliest opportunity requested by the
 27 government and provided by the Court, appear and plead guilty to
 28 counts one and eight of the second superseding indictment in United

1 States v. Artashes Darbinyan et al., CR No. 2:15-CR-558, which
2 charges the defendant with four counts of mail fraud, in violation of
3 18 U.S.C. § 1341; three counts of aggravated identity theft, in
4 violation of 18 U.S.C. § 1028A; one count of conspiracy to launder
5 monetary instruments, in violation of 18 U.S.C. § 1956(h); five
6 counts of concealment money laundering, in violation of 18 U.S.C.
7 § 1956(a)(1)(B)(i); and one count of bank fraud, in violation of 18
8 U.S.C. § 1344(2).

9 b. Not contest facts agreed to in this agreement.

10 c. Abide by all agreements regarding sentencing contained
11 in this agreement.

12 d. Appear for all court appearances, surrender as ordered
13 for service of sentence, obey all conditions of any bond, and obey
14 any other ongoing court order in this matter.

15 e. Not commit any crime; however, offenses that would be
16 excluded for sentencing purposes under United States Sentencing
17 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
18 within the scope of this agreement.

19 f. Be truthful at all times with Pretrial Services, the
20 United States Probation Office, and the Court.

21 g. Pay the applicable special assessment at or before the
22 time of sentencing unless the defendant lacks the ability to pay and
23 prior to sentencing submits a completed financial statement on a form
24 to be provided by the government.

25 3. The defendant further agrees:

26 a. Truthfully to disclose to law enforcement officials,
27 at a date and time to be set by the government, the location of, the
28 defendant's ownership interest in, and all other information known to

1 the defendant about, all monies, properties, and/or assets of any
2 kind, derived from or acquired as a result of, or used to facilitate
3 the commission of, the defendant's illegal activities, and to forfeit
4 all right, title, and interest in and to such items, specifically
5 including all right, title, and interest in and to all United States
6 currency, property and assets which the defendant admits constitute
7 the proceeds of the defendant's illegal activity or were used to
8 facilitate the defendant's criminal activity in violation of 18
9 U.S.C. §§ 1341 and 1956(h).

10 b. To the Court's entry of an order of forfeiture at or
11 before sentencing with respect to these assets and to the forfeiture
12 of the assets.

13 c. To take whatever steps are necessary to pass to the
14 United States clear title to the assets described above, including,
15 without limitation, the execution of a consent decree of forfeiture
16 and the completing of any other legal documents required for the
17 transfer of title to the United States.

18 d. With respect to any criminal forfeiture ordered as a
19 result of this plea agreement, the defendant waives the requirements
20 of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding
21 notice of the forfeiture in the charging instrument, announcements of
22 the forfeiture sentencing, and incorporation of the forfeiture in the
23 judgment. The defendant acknowledges that forfeiture of the assets
24 is part of the sentence that may be imposed in this case and waives
25 any failure by the Court to advise the defendant of this, pursuant to
26 Federal Rule of Criminal Procedure 11(b)(1)(J), at the time the Court
27 accepts the defendant's guilty pleas.

28

1 e. Not to assist any other individual in any effort
2 falsely to contest the forfeiture of the assets described above.

3 f. Not to claim that reasonable cause to seize the assets
4 was lacking.

5 g. To prevent the transfer, sale, destruction, or loss of
6 any and all assets described above to the extent the defendant has
7 the ability to do so.

8 h. To fill out and deliver to the government a completed
9 financial statement listing the defendant's assets on a form provided
10 by the government.

11 i. That forfeiture of assets described above shall not be
12 counted toward satisfaction of any special assessment, fine,
13 restitution, costs, or other penalty the Court may impose.

14 THE GOVERNMENT'S OBLIGATIONS

15 4. The government agrees to:

16 a. Not contest facts agreed to in this agreement.

17 b. Abide by all agreements regarding sentencing contained
18 in this agreement.

19 c. At the time of sentencing, move to dismiss the
20 remaining counts of the Second Superseding Indictment against the
21 defendant. The defendant agrees, however, that at the time of
22 sentencing the Court may consider any dismissed charges in
23 determining the applicable Sentencing Guidelines range, the propriety
24 and extent of any departure from that range, and the sentence to be
25 imposed.

26 d. At the time of sentencing, provided that the defendant
27 demonstrates an acceptance of responsibility for the offenses up to
28 and including the time of sentencing, recommend a two-level reduction

1 in the applicable Sentencing Guidelines offense level, pursuant to
2 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
3 additional one-level reduction if available under that section.

4 e. Except for criminal tax violations (including
5 conspiracy to commit such violations chargeable under 18 U.S.C.
6 § 371), not further criminally prosecute the defendant for violations
7 of 18 U.S.C. §§ 1028A, 1341, 1344, and 1956 arising out of the
8 defendant's conduct described in the agreed-to factual basis set
9 forth in paragraph 15 below. The defendant understands that the
10 government is free to criminally prosecute the defendant for any
11 other unlawful past conduct or any unlawful conduct that occurs after
12 the date of this agreement. The defendant agrees that at the time of
13 sentencing the Court may consider the uncharged conduct in
14 determining the applicable Sentencing Guidelines range, the propriety
15 and extent of any departure from that range, and the sentence to be
16 imposed after consideration of the Sentencing Guidelines and all
17 other relevant factors under 18 U.S.C. § 3553(a).

18 NATURE OF THE OFFENSES

19 5. The defendant understands that for the defendant to be
20 guilty of the crime charged in count one, that is, mail fraud, in
21 violation of Title 18, United States Code, Section 1341, the
22 following must be true:

23 a. The defendant devised a scheme or plan to defraud, or
24 a scheme or plan for obtaining money or property by means of false or
25 fraudulent pretenses, representations, or promises;

26 b. The statements made or facts omitted were material;
27 that is, they had a natural tendency to influence, or were capable of
28 influencing, a person to part with money or property;

1 c. The defendant acted with the intent to defraud; and

2 d. The defendant used, or caused to be used, the mails to
3 carry out or attempt to carry out an essential part of the scheme.

4 6. The defendant understands that for the defendant to be
5 guilty of the crime charged in count eight, that is, conspiracy to
6 launder monetary instruments, in violation of Title 18, United States
7 Code, Section 1956(h), the following must be true:

8 a. There was an agreement between two or more persons to
9 commit the crime of concealment money laundering, in violation of
10 Title 18, United States Code, Section 1956(a)(1)(B)(i);

11 b. The defendant became a member of the conspiracy
12 knowing of its object and intending to help accomplish it.

13 PENALTIES AND RESTITUTION

14 7. The defendant understands that the statutory maximum
15 sentence that the Court can impose for a violation of Title 18,
16 United States Code, Section 1341, is: 20 years imprisonment; a 3-year
17 period of supervised release; a fine of \$250,000 or twice the gross
18 gain or gross loss resulting from the offense, whichever is greatest;
19 and a mandatory special assessment of \$100.

20 8. The defendant understands that the statutory maximum
21 sentence that the Court can impose for a violation of Title 18,
22 United States Code, Section 1956(h), is: 20 years imprisonment; a 3-
23 year period of supervised release; a fine of \$500,000 or twice the
24 value of the funds laundered, whichever is greatest; and a mandatory
25 special assessment of \$100.

26 9. The defendant understands, therefore, that the total
27 maximum sentence for all offenses to which the defendant is pleading
28 guilty is: 40 years imprisonment; a three-year period of supervised

1 release; a fine of \$750,000 or twice the gross gain or gross loss
2 resulting from the offenses, whichever is greatest; and a mandatory
3 special assessment of \$100.

4 10. The defendant understands that the defendant will be
5 required to pay full restitution to the victims of the offenses to
6 which the defendant is pleading guilty. The defendant agrees that,
7 in return for the government's compliance with its obligations under
8 this agreement, the Court may order restitution to persons other than
9 the victims of the offenses to which the defendant is pleading guilty
10 and in amounts greater than those alleged in the counts to which the
11 defendant is pleading guilty. In particular, the defendant agrees
12 that the Court may order restitution to any victim of any of the
13 following for any losses suffered by that victim as a result: (a) any
14 relevant conduct, as defined in U.S.S.G. § 1B1.3, in connection with
15 the offenses to which the defendant is pleading guilty; and (b) any
16 counts dismissed and charges not prosecuted pursuant to this
17 agreement as well as all relevant conduct, as defined in U.S.S.G.
18 § 1B1.3, in connection with those counts and charges. The parties
19 currently believe that the applicable amount of restitution is
20 approximately \$1,661,569.73, joint and several with the defendant's
21 co-conspirators, but recognize and agree that this amount could
22 change based on facts that come to the attention of the parties prior
23 to sentencing.

24 11. The Court will also order forfeiture of the property listed
25 in the forfeiture allegation of the second superseding indictment
26 pursuant to 18 U.S.C. § 981(a)(1)(C), or substitute assets up to the
27 value of that property.

28

1 12. The defendant understands that supervised release is a
2 period of time following imprisonment during which the defendant will
3 be subject to various restrictions and requirements. The defendant
4 understands that if the defendant violates one or more of the
5 conditions of any supervised release imposed, the defendant may be
6 returned to prison for all or part of the term of supervised release
7 authorized by statute for the offense that resulted in the term of
8 supervised release, which could result in the defendant serving a
9 total term of imprisonment greater than the statutory maximum stated
10 above.

11 13. The defendant understands that, by pleading guilty, the
12 defendant may be giving up valuable government benefits and valuable
13 civic rights, such as the right to vote, the right to possess a
14 firearm, the right to hold office, and the right to serve on a jury.
15 The defendant understands that once the court accepts the defendant's
16 guilty plea, it will be a federal felony for the defendant to possess
17 a firearm or ammunition. The defendant understands that the
18 conviction in this case may also subject the defendant to various
19 other collateral consequences, including but not limited to
20 revocation of probation, parole, or supervised release in another
21 case and suspension or revocation of a professional license. The
22 defendant understands that unanticipated collateral consequences will
23 not serve as grounds to withdraw the defendant's guilty plea.

24 14. The defendant understands that, if the defendant is not a
25 United States citizen, the felony conviction in this case may subject
26 the defendant to: removal, also known as deportation, which may,
27 under some circumstances, be mandatory; denial of citizenship; and
28 denial of admission to the United States in the future. The court

1 cannot, and the defendant's attorney also may not be able to, advise
2 the defendant fully regarding the immigration consequences of the
3 felony conviction in this case. The defendant understands that
4 unexpected immigration consequences will not serve as grounds to
5 withdraw the defendant's guilty plea.

6 FACTUAL BASIS

7 15. The defendant admits that the defendant is, in fact, guilty
8 of the offenses to which the defendant is agreeing to plead guilty.
9 The defendant and the government agree to the statement of facts
10 provided below and agree that this statement of facts is sufficient
11 to support pleas of guilty to the charges described in this agreement
12 and to establish the Sentencing Guidelines factors set forth in
13 paragraph 17 below but is not meant to be a complete recitation of
14 all facts relevant to the underlying criminal conduct or all facts
15 known to either party that relate to that conduct.

16 a. From in or about September 2013 until on or about
17 September 18, 2015, in the Central District of California and
18 elsewhere, the defendant operated a mass mailing scam under the names
19 of Trademark Compliance Center and Trademark Compliance Office. As
20 part of the scam, the defendant caused to be sent by mail fraudulent
21 solicitations to applicants for U.S. trademarks. The solicitations,
22 sent to well over 100,000 trademark applicants, purported to offer a
23 registration and monitoring service whereby, in exchange for \$385, a
24 client's trademark would be registered with the Intellectual Property
25 Rights (IPR) recordation system of U.S. Customs and Border Protection
26 (CBP), which for \$195 offers a real service that screens and blocks
27 imports containing infringing marks. The solicitations also promised
28 to send the applicants regular reports about possibly infringing

1 marks. The defendant never intended to register, and never did
2 register, with CBP any of his clients' trademarks; nor did the
3 defendant intend to send, or ever send, clients any reports about
4 their trademarks.

5 b. The mail solicitations were designed to deceive their
6 recipients into believing TCC and TCO were official government
7 agencies whose fees were mandatory as part of the trademark
8 registration process, notwithstanding small text on the solicitations
9 disclaiming any official affiliation and disclosing that TCC and TCO
10 were offering a "service". Aware that the U.S. Patent and Trademark
11 Office was located in Alexandria, VA, the defendant deceived
12 recipients of the solicitations into believing the solicitations were
13 official, in part, by listing on the solicitation the recipient's
14 serial number and by listing TCC and TCO's return addresses as being
15 in Arlington, VA; Alexandria, VA; or Washington, D.C. The addresses
16 in Virginia and Washington, D.C., were not TCC or TCO's physical
17 place of business, but were virtual office centers that were under
18 instructions from the defendant to collect and send victims' payments
19 to other virtual office centers in the Los Angeles area, from where
20 the defendant or co-conspirators picked up the payments. The
21 defendant also created websites and registered for voice-over-
22 internet-protocol (VOIP) phone numbers for TCC and TCO to market the
23 scheme and create a veneer of legitimacy.

24 c. To execute and disguise his control over the scheme,
25 the defendant used the identities of multiple real people (including
26 their real dates of birth and social security numbers), who were
27 uninvolved in the fraud, to open accounts at virtual office centers
28 and bank accounts into which proceeds of the scheme were deposited.

1 As part of the scheme, those same identities were also used to
2 falsely register domain names for websites used in furtherance of the
3 fraud. The defendant also created and used fake California driver's
4 licenses (with authentic-looking holograms) for the identities he was
5 illicitly using in furtherance of the scheme. To further conceal his
6 control over the scheme, the defendant established bogus email
7 accounts, paid with money orders, regularly changed the cell phone
8 numbers used in the scheme, and used untraceable pre-paid wireless
9 modems to access the Internet.

10 d. After depositing the victims' payments into the bank
11 accounts that had been opened with the identities of other people,
12 the defendant and co-conspirators laundered the funds by withdrawing
13 them through cash withdrawals or cashier's checks and then purchasing
14 gold.

15 e. The defendant grossed approximately \$1,661,569.73 from
16 4446 victims.

17 SENTENCING FACTORS

18 16. The defendant understands that in determining the
19 defendant's sentence the Court is required to calculate the
20 applicable Sentencing Guidelines range and to consider that range,
21 possible departures under the Sentencing Guidelines, and the other
22 sentencing factors set forth in 18 U.S.C. § 3553(a). The defendant
23 understands that the Sentencing Guidelines are advisory only, that
24 the defendant cannot have any expectation of receiving a sentence
25 within the calculated Sentencing Guidelines range, and that after
26 considering the Sentencing Guidelines and the other § 3553(a)
27 factors, the Court will be free to exercise its discretion to impose
28

1 any sentence it finds appropriate up to the maximum set by statute
 2 for the crimes of conviction.

3 17. The defendant and the government agree to the following
 4 applicable Sentencing Guidelines factors:

5 **MAIL FRAUD**

6	Base Offense Level:	7	[U.S.S.G. § 2B1.1(a)]
7	Specific Offense		
8	Characteristics:	22	
9	Loss more than \$1,500,000	16	[U.S.S.G. § 2B1.1(b)(1)(I)]
10	Committed through mass-	2	[U.S.S.G.
	marketing		§ 2B1.1(b)(2)(A)(ii)]
11	Sophisticated means	2	[U.S.S.G.
			§ 2B1.1(b)(10)(C)]
12	Possession and use of	2	[U.S.S.G.
13	authentication feature		§ 2B1.1(b)(11)(A)(ii)]
14		—	
15	TOTAL:	29	

16 **MONEY LAUNDERING**

17	Base Offense Level:	29	[U.S.S.G. § 2S1.1(a)(1)]
18	Specific Offense		
19	Characteristics:	2	
20	Convicted under 18 U.S.C.	2	[U.S.S.G. § 2S1.1(b)(2)(B)]
	§ 1956		
21	TOTAL:	31	

22 The defendant and the government reserve the right to argue that
 23 additional specific offense characteristics, adjustments, and
 24 departures under the Sentencing Guidelines are appropriate.

25 18. The defendant understands that there is no agreement as to
 26 defendant's criminal history or criminal history category.
 27
 28

1 19. The defendant and the government reserve the right to argue
2 for a sentence outside the sentencing range established by the
3 Sentencing Guidelines based on the factors set forth in 18 U.S.C.
4 § 3553(a)(1), (a)(2), (a)(3), (a)(6), and (a)(7).

5 WAIVER OF CONSTITUTIONAL RIGHTS

6 20. The defendant understands that by pleading guilty, the
7 defendant gives up the following rights:

8 a. The right to persist in a plea of not guilty.

9 b. The right to a speedy and public trial by jury.

10 c. The right to be represented by counsel -- and if
11 necessary have the court appoint counsel -- at trial. The defendant
12 understands, however, that the defendant retains the right to be
13 represented by counsel -- and if necessary have the court appoint
14 counsel -- at every other stage of the proceeding.

15 d. The right to be presumed innocent and to have the
16 burden of proof placed on the government to prove the defendant
17 guilty beyond a reasonable doubt.

18 e. The right to confront and cross-examine witnesses
19 against the defendant.

20 f. The right to testify and to present evidence in
21 opposition to the charges, including the right to compel the
22 attendance of witnesses to testify.

23 g. The right not to be compelled to testify, and, if the
24 defendant chose not to testify or present evidence, to have that
25 choice not be used against the defendant.

26 h. Any and all rights to pursue any affirmative defenses,
27 Fourth Amendment or Fifth Amendment claims, and other pretrial
28 motions that have been filed or could be filed.

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WAIVER OF APPEAL OF CONVICTION

21. The defendant understands that, with the exception of an appeal based on a claim that the defendant's guilty pleas were involuntary, by pleading guilty the defendant is waiving and giving up any right to appeal the defendant's convictions on the offenses to which the defendant is pleading guilty.

LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

22. The defendant agrees that, provided the Court imposes a total term of imprisonment on all counts of conviction of no more than 135 months, the defendant gives up the right to appeal all of the following: (a) the procedures and calculations used to determine and impose any portion of the sentence; (b) the term of imprisonment imposed by the Court; (c) the fine imposed by the court, provided it is within the statutory maximum; (d) the amount and terms of any restitution order, provided it requires payment of no more than \$1,661,569.73; (e) the term of probation or supervised release imposed by the Court, provided it is within the statutory maximum; and (f) any of the following conditions of probation or supervised release imposed by the Court: the conditions set forth in General Orders 318, 01-05, and/or 05-02 of this Court; the drug testing conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the alcohol and drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

23. The government agrees that, provided (a) all portions of the sentence are at or below the statutory maximum specified above and (b) the Court imposes a term of imprisonment of no less than 78 months, the government gives up its right to appeal any portion of the sentence, with the exception that the government reserves the

1 right to appeal the following: (a) the amount of restitution ordered
2 if that amount is less than \$1,661,569.73.

3 RESULT OF WITHDRAWAL OF GUILTY PLEA

4 24. The defendant agrees that if, after entering guilty pleas
5 pursuant to this agreement, the defendant seeks to withdraw and
6 succeeds in withdrawing the defendant's guilty pleas on any basis
7 other than a claim and finding that entry into this plea agreement
8 was involuntary, then (a) the government will be relieved of all of
9 its obligations under this agreement; and (b) should the government
10 choose to pursue any charge that was either dismissed or not filed as
11 a result of this agreement, then (i) any applicable statute of
12 limitations will be tolled between the date of the defendant's
13 signing of this agreement and the filing commencing any such action;
14 and (ii) the defendant waives and gives up all defenses based on the
15 statute of limitations, any claim of pre-indictment delay, or any
16 speedy trial claim with respect to any such action, except to the
17 extent that such defenses existed as of the date of the defendant's
18 signing this agreement.

19 EFFECTIVE DATE OF AGREEMENT

20 25. This agreement is effective upon signature and execution of
21 all required certifications by the defendant, the defendant's
22 counsel, and a government attorney.

23 BREACH OF AGREEMENT

24 26. The defendant agrees that if the defendant, at any time
25 after the signature of this agreement and execution of all required
26 certifications by the defendant, the defendant's counsel, and a
27 government attorney, knowingly violates or fails to perform any of
28 defendant's obligations under this agreement ("a breach"), the

1 government may declare this agreement breached. All of the
2 defendant's obligations are material, a single breach of this
3 agreement is sufficient for the government to declare a breach, and
4 the defendant shall not be deemed to have cured a breach without the
5 express agreement of the government in writing. If the government
6 declares this agreement breached, and the Court finds such a breach
7 to have occurred, then: (a) if the defendant has previously entered
8 guilty pleas pursuant to this agreement, the defendant will not be
9 able to withdraw the guilty pleas, and (b) the government will be
10 relieved of all its obligations under this agreement.

11 27. Following the Court's finding of a knowing breach of this
12 agreement by the defendant, should the government choose to pursue
13 any charge that was either dismissed or not filed as a result of this
14 agreement, then:

15 a. The defendant agrees that any applicable statute of
16 limitations is tolled between the date of the defendant's signing of
17 this agreement and the filing commencing any such action.

18 b. The defendant waives and gives up all defenses based
19 on the statute of limitations, any claim of pre-indictment delay, or
20 any speedy trial claim with respect to any such action, except to the
21 extent that such defenses existed as of the date of the defendant's
22 signing this agreement.

23 c. The defendant agrees that: (i) any statements made by
24 the defendant, under oath, at the guilty plea hearing (if such a
25 hearing occurred prior to the breach); (ii) the agreed to factual
26 basis statement in this agreement; and (iii) any evidence derived
27 from such statements, shall be admissible against the defendant in
28 any such action against the defendant, and the defendant waives and

1 gives up any claim under the United States Constitution, any statute,
2 Rule 410 of the Federal Rules of Evidence, Rule 11(f) of the Federal
3 Rules of Criminal Procedure, or any other federal rule, that the
4 statements or any evidence derived from the statements should be
5 suppressed or are inadmissible.

6 COURT AND PROBATION OFFICE NOT PARTIES

7 28. The defendant understands that the Court and the United
8 States Probation Office are not parties to this agreement and need
9 not accept any of the government's sentencing recommendations or the
10 parties' agreements to facts or sentencing factors.

11 29. The defendant understands that both the defendant and the
12 government are free to: (a) supplement the facts by supplying
13 relevant information to the United States Probation Office and the
14 Court, (b) correct any and all factual misstatements relating to the
15 Court's Sentencing Guidelines calculations and determination of
16 sentence, and (c) argue on appeal and collateral review that the
17 Court's Sentencing Guidelines calculations and the sentence it
18 chooses to impose are not error, although each party agrees to
19 maintain its view that the calculations in paragraph 17 are
20 consistent with the facts of this case. While this paragraph permits
21 both the government and the defendant to submit full and complete
22 factual information to the United States Probation Office and the
23 Court, even if that factual information may be viewed as inconsistent
24 with the facts agreed to in this agreement, this paragraph does not
25 affect the defendant's and the government's obligations not to
26 contest the facts agreed to in this agreement.

27 30. The defendant understands that even if the Court ignores
28 any sentencing recommendation, finds facts or reaches conclusions

1 different from those agreed to, and/or imposes any sentence up to the
2 maximum established by statute, defendant cannot, for that reason,
3 withdraw the defendant's guilty pleas, and the defendant will remain
4 bound to fulfill all the defendant's obligations under this
5 agreement. The defendant understands that no one -- not the
6 prosecutor, the defendant's attorney, or the Court -- can make a
7 binding prediction or promise regarding the sentence the defendant
8 will receive, except that it will be within the statutory maximum.

9 NO ADDITIONAL AGREEMENTS

10 31. The defendant understands that, except as set forth herein,
11 there are no promises, understandings, or agreements between the
12 government and the defendant or the defendant's attorney, and that no
13 additional promise, understanding, or agreement may be entered into
14 unless in a writing signed by all parties or on the record in court.

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

32. The parties agree that this agreement will be considered part of the record of the defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

CRIMINAL DIVISION, FRAUD SECTION
U.S. DEPARTMENT OF JUSTICE

ANDREW WEISSMANN
Chief
Fraud Section

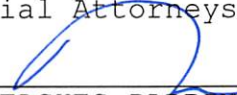


WILLIAM E. JOHNSTON

12/08/16

Date

BRIAN KIDD
Trial Attorneys



ARTASHES DARBINYAN
Defendant

11/29/16

Date



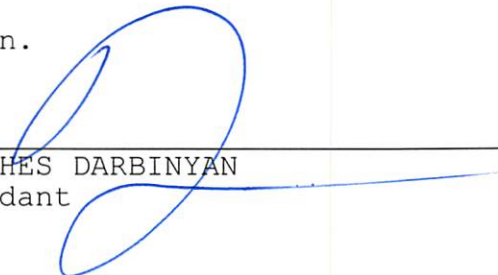
MARK WERKSMAN
Attorney for Defendant

11/29/16

Date

CERTIFICATION OF DEFENDANT

1
2 I have read this agreement in its entirety. I have had enough
3 time to review and consider this agreement, and I have carefully and
4 thoroughly discussed every part of it with my attorney. I understand
5 the terms of this agreement, and I voluntarily agree to those terms.
6 I have discussed the evidence with my attorney, and my attorney has
7 advised me of my rights, of possible pretrial motions that might be
8 filed, of possible defenses that might be asserted either prior to or
9 at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a),
10 of relevant Sentencing Guidelines provisions, and of the consequences
11 of entering into this agreement. No promises, inducements, or
12 representations of any kind have been made to me other than those
13 contained in this agreement. No one has threatened or forced me in
14 any way to enter into this agreement. I am satisfied with the
15 representation of my attorney in this matter, and I am pleading
16 guilty because I am guilty of the charges and wish to take advantage
17 of the promises set forth in this agreement, and not for any other
18 reason.

19
20 
ARTASHES DARBINYAN
Defendant

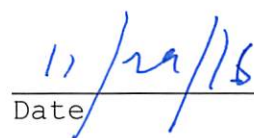
11/23/16
Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am Artashes Darbinyan's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of guilty pleas pursuant to this agreement.



MARK WERKSMAN
Attorney for Defendant Artashes
Darbinyan


Date