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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

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11 UNITED STATES OF AMERICA, ) Case No.: 2:13-cr-83-JCM-CWH  
12 Plaintiff, ) PLEA AGREEMENT  
13 vs. )  
14 TAI KEYSTER, also known as )  
TAI MADERIA, )  
15 Defendant. )  
16

17 The United States, by and through Daniel G. Bogden, United States Attorney, and Lisa  
18 C. Cartier Giroux, Assistant United States Attorney and Kyle Maurer, Trial Attorney, the  
19 defendant, Tai Keyster, and the defendant's attorney, Joshua Tomscheck, submit this Plea  
20 Agreement under Fed. R. Crim. P. 11(c)(1)(A) and (B).

21 **I. SCOPE OF AGREEMENT**

22 The parties to this Plea Agreement are the United States of America and Tai Keyster.  
23 This Plea Agreement binds the defendant and the United States Attorney's Office for the  
24

1 District of Nevada. It does not bind any other prosecuting, administrative, or regulatory  
2 authority, the United States Probation Office, or the Court.

3 The Plea Agreement sets forth the parties' agreement regarding criminal charges  
4 referenced in the Plea Agreement and applicable sentences, fines, restitution and forfeiture. It  
5 does not control or prohibit the United States or any agency or third party from seeking any  
6 other civil or administrative remedies directly or indirectly against the defendant.

7 **II. DISPOSITION OF CHARGES AND WAIVER OF TRIAL RIGHTS**

8 A. Guilty Plea. The defendant knowingly and voluntarily agrees to plead guilty to  
9 count one of the superseding indictment, charging conspiracy to commit bank fraud, mail fraud,  
10 and wire fraud in violation of 18 U.S.C. § 1349, and count five of the Superseding Indictment  
11 charging bank fraud in violation of 18 U.S.C. § 1344.

12 The defendant also agrees to the imposition of the in personam criminal forfeiture  
13 money judgment as set forth in the Plea Agreement and the Forfeiture Allegations of the  
14 Superseding Indictment.

15 B. Waiver of Trial Rights. The defendant acknowledges that she has been advised  
16 and understands that by entering a plea of guilty she is waiving -- that is, giving up -- certain  
17 rights guaranteed to all defendants by the laws and the Constitution of the United States.  
18 Specifically, the defendant is giving up:

19 1. The right to proceed to trial by jury on all charges, or to a trial by a judge  
20 if the defendant and the United States both agree;

21 2. The right to confront the witnesses against the defendant at such a trial,  
22 and to cross-examine them;

23 3. The right to remain silent at such a trial, with assurance that her silence  
24 could not be used against her in any way;

1           4.     The right to testify in her own defense at such a trial if she so chooses;

2           5.     The right to compel witnesses to appear at such a trial and testify in the  
3 defendant's behalf; and

4           6.     The right to have the assistance of an attorney at all stages of such  
5 proceedings.

6           C.     Withdrawal of Guilty Plea. The defendant will not seek to withdraw her guilty  
7 plea after she has entered it in court.

8           D.     Additional Charges. The United States agrees not to bring any additional  
9 charges against the defendant arising out of the investigation in the District of Nevada which  
10 culminated in this Plea Agreement and based on conduct known to the United States, except  
11 that the United States reserves the right to prosecute the defendant for any crime of violence as  
12 defined by 18 U.S.C. § 16.

13 **III.   ELEMENTS OF THE OFFENSES**

14           A.     The elements of conspiracy under 18 U.S.C. § 1349 are the following:

15                 First: Beginning and ending on the dates set forth in count one of the  
16 superseding indictment, there was an agreement between two or more persons to commit the  
17 crimes of bank fraud (18 U.S.C. § 1344), mail fraud (18 U.S.C. § 1341), and wire fraud (18  
18 U.S.C. § 1343); and

19                 Second: The defendant became a member of the conspiracy knowing of at least  
20 one of its objects and intending to help accomplish it.

21           See Ninth Circuit Manual of Model Jury Instruction, Criminal 8.20 (2010 ed.).

22           B.     The essential elements for the crime of Bank Fraud, in violation of Title 18,  
23 United States Code, Section 1344, are the following:

24

1           First: The defendant knowingly carried out a scheme or plan to obtain money  
2 or property from Pacific Mercantile Bank by making false statements or promises;

3           Second: The defendant knew that the statements or promises were false;

4           Third: The statements or promises were material; that is, they had a natural  
5 tendency to influence, or were capable of influencing, a financial institution to part with money  
6 or property;

7           Fourth: The defendant acted with the intent to defraud; and

8           Fifth: Pacific Mercantile Bank was federally insured.

9 *See* Ninth Circuit Manual of Model Jury Instructions, Criminal 8.127 (2010 ed.).

10           C. The essential elements for the crime of Mail Fraud, Title 18, United  
11 States Code, Section 1341, are the following:

12           First: The defendant knowingly participated in a scheme or plan to defraud, or a  
13 scheme or plan for obtaining money or property by means of false or fraudulent pretenses,  
14 representations, or promises;

15           Second: The statements made or facts omitted as part of the scheme were  
16 material; that is, they had a natural tendency to influence, or were capable of influencing, a  
17 person to part with money or property;

18           Third: The defendant acted with the intent to defraud; that is, the intent to  
19 deceive or cheat; and

20           Fourth: The defendant used, or caused to be used, the mails to carry out or  
21 attempt to carry out an essential part of the scheme.

22 *See* Ninth Circuit Manual of Model Jury Instructions, Criminal 8.121 (2010 ed.).

23           D. The essential elements for the crime of Wire Fraud, Title 18, United States Code,  
24 Section 1343, are the following:

1           First: The defendant knowingly participated in a scheme or plan to defraud, or a  
2 scheme or plan for obtaining money or property by means of false or fraudulent pretenses,  
3 representations, or promises;

4           Second: The statements made or facts omitted as part of the scheme were  
5 material; that is, they had a natural tendency to influence, or were capable of influencing, a  
6 person to part with money or property;

7           Third: The defendant acted with the intent to defraud; that is, the intent to  
8 deceive or cheat; and

9           Fourth: The defendant used, or caused to be used, interstate wire  
10 communications to carry out or attempt to carry out an essential part of the scheme.

11 *See* Ninth Circuit Manual of Model Jury Instructions, Criminal 8.121 and 8.124 (2010 ed.).

12 **IV. FACTS SUPPORTING GUILTY PLEA**

13           A. The defendant will plead guilty because she is, in fact and under the law, guilty  
14 of the crimes charged.

15           B. The defendant acknowledges that if she elected to go to trial instead of pleading  
16 guilty, the United States could prove her guilt beyond a reasonable doubt and establish its right  
17 to the forfeiture money judgment. The defendant further acknowledges that her admissions and  
18 declarations of fact set forth below satisfy every element of the charged offense.

19           C. The defendant waives any potential future claim that the facts she admitted in  
20 this Plea Agreement were insufficient to satisfy the elements of the charged offenses.

21           D. The defendant admits and declares under penalty of perjury that the facts set  
22 forth below are true and correct:

23

24

1           1.       From in or about August 2003, to in or about February 2006, in the State and  
2 Federal District of Nevada, Tai Keyster, did knowingly and willfully combine, conspire, and  
3 agree with Derrick Phelps, Cynthia Phelps, Linda Mack, Daryll Reese, and others:

4           a.       To devise a scheme and artifice to defraud and to obtain money and  
5 property under the custody and control of federally insured financial institutions, by means of  
6 materially false and fraudulent pretenses, representations and promises that would cause a bank  
7 to part with money and property, in violation of Title 18, United States Code, Section 1344;

8           b.       To use the United States Postal Service and commercial interstate carriers  
9 to send and deliver mortgage loan applications and other supporting documentation, for  
10 purposes of executing a scheme and artifice to defraud and for obtaining money and property by  
11 means of materially false and fraudulent pretenses, representations, and promises, in violation  
12 of Title 18, United States Code, Section 1341; and

13           c.       To transmit and cause to be transmitted by means of wire  
14 communications in interstate commerce funds and documents, for purposes of executing a  
15 scheme and artifice to defraud and for obtaining money and property by means of materially  
16 false and fraudulent pretenses, representations, and promises, in violation of Title 18, United  
17 States Code, Section 1343.

18           d.       The defendant admits that the in personam criminal forfeiture money  
19 judgment amount listed in Section IX is any property, real or personal, which constitutes or is  
20 derived from proceeds traceable to violations of Title 18, United States Code, Sections 1344, a  
21 specified unlawful activity as defined in Title 18, United States Code, Sections 1956(c)(7)(A)  
22 and 1961(1)(B), or Title 18, United States Code, Section 1349, conspiracy to commit such  
23 offense, and is subject to forfeiture pursuant to Title 18, United States Code, Section  
24

1 981(a)(1)(C) with Title 28, United Code, Section 2461(c) and Title 18, United States Code,  
2 Section 982(a)(2)(A).

3 The Objectives of the Conspiracy and Scheme To Defraud

4 2. The objective of the conspiracy and scheme was to obtain mortgage loans from  
5 lenders by causing materially false information to be placed in the buyers' mortgage loan  
6 applications and supporting documentation. Through approximately 233 transactions,  
7 defendant and her coconspirators obtained money and property from lenders by causing money  
8 from the mortgage loans to be disbursed to their own use and benefit.

9  
10 Manner and Means

11 3. The manner and means by which the objectives of the conspiracy were  
12 accomplished include, but were not limited to, the following:

13 a. Defendant's coconspirators solicited persons with good credit ratings to  
14 purchase real estate. In some instances, defendant and her coconspirators caused buyers to  
15 purchase multiple houses at or about the same time. By purchasing multiple houses in a short  
16 period of time, the prior purchases would not show up on the buyer's credit report and lenders  
17 would not be aware of the other purchases. Defendant, Tai Keyster, and their coconspirators  
18 knowingly and intentionally concealed buyers' earlier purchases from lenders, when defendant,  
19 Tai Keyster, and their coconspirators then and there well knew that the earlier purchases were  
20 material to the lenders' lending decisions.

21 b. Defendant's coconspirators made offers to purchase properties above the  
22 sellers' asking prices.

23 c. Defendant's coconspirators caused the sellers to agree that part of the  
24 excess funds would be redirected to the buyers under the pretense of making upgrades and

1 repairs to the properties. Defendant, Linda Mack, Daryll Reese, and their coconspirators  
2 knowingly and intentionally concealed from lenders the identities of the recipients of these  
3 disbursements and the true purpose of the disbursements, when Defendant, Linda Mack, Daryll  
4 Reese, and their coconspirators then and there well knew that the representations made to  
5 lenders were false and fraudulent.

6 d. Defendant, Linda Mack, Daryll Reese, and their coconspirators caused  
7 buyers to apply for mortgage loans from lenders to purchase properties. Through these  
8 transactions, Defendant, Linda Mack, Daryll Reese, and their coconspirators obtained money  
9 from lenders by causing money from the mortgage loans to be paid to the conspirators in the  
10 form of commissions and fees.

11 e. Defendant, Linda Mack, Daryll Reese, and their coconspirators caused  
12 buyers' loan applications and supporting documentation to contain materially false and  
13 fraudulent representations about buyers' qualifications, including but not limited to one or more  
14 of the following: the buyers' income and intended occupancy status, when Defendant, Linda  
15 Mack, Daryll Reese, and their coconspirators then and there well knew that the representations  
16 were false and fraudulent.

17 f. Defendant and her coconspirators caused lenders and escrow companies  
18 to transmit money and documents by means of U.S. mail, interstate commercial carriers, and  
19 interstate wire communications to complete the transactions.

20 g. Defendant and her coconspirators defaulted on the mortgage loans which  
21 caused the properties to go into foreclosure.

22 h. Some of the lenders, including Pacific Mercantile Bank were federally  
23 insured.

24



1           i.       Defendant's conspiracy to violate Title 18, United States Code, Sections  
2 1341 and 1343 affected at least one federally insured financial institution.

3           4.       From on or about November 24, 2004, to on or about December 23, 2004, in the  
4 State and Federal District of Nevada, for the purpose of executing and attempting to execute the  
5 scheme to defraud and to obtain money and property, Defendant, Linda Mack, Daryll Reese,  
6 and their coconspirators did knowingly cause to be submitted to Pacific Mercantile Bank, a  
7 federally insured financial institution, loan applications and supporting documents containing  
8 materially false and fraudulent pretenses, representations and promises in order to cause Pacific  
9 Mercantile Bank to loan money to fund the purchase of 8801 Square Knot Ave., Las Vegas,  
10 Nevada.

11           5.       As a result of this fraud, the lenders suffered an aggregate loss of more than  
12 \$9,500,000.00.

13           6.       In all of the aforementioned actions Tai Keyster acted with the intent to defraud.  
14 Tai Keyster worked for Cynthia Phelps on the mortgage side of the business. Lender and  
15 escrow records show Keyster handled multiple transactions for a single buyer at the same time,  
16 often submitting applications for the same buyer to different lenders falsely claiming that the  
17 property to be purchased would be owner occupied in order to obtain financing. Defendant  
18 Keyster worked directly with lenders, and on occasion dealt with Linda Mack and escrow to get  
19 lender conditions satisfied. Keyster discussed of multiple aspects of the fraud with Cynthia  
20 Phelps, including not sending addendums to the lender with the knowledge that the lender  
21 would not agree to finance the property if provided with said addendums.

22           7.       Tai Keyster also did a cash back transaction through the Phelps. The  
23 employment representations made to the lender in that transaction were false. The cash back  
24

1 did not go into the property. Keyster instead received the money from the lender and instead  
2 used it for her personal expenditures.

3 8. The defendant admits that the property listed in Section IX is (1) any property,  
4 real or personal, which constitutes or is derived from proceeds traceable to violations of Title  
5 18, United States Code, Sections 1341, 1343, and 1344, or Title 18, United States Code, Section  
6 1349, conspiracy to commit such offenses and (2) is any property constituting, or derived from,  
7 proceeds obtained directly or indirectly, as the result of violations of Title 18, United States  
8 Code, Sections 1341, 1343, and 1344, or Title 18, United States Code, Section 1349, conspiracy  
9 to commit such offenses, and is subject to forfeiture pursuant to Title 18, United States Code,  
10 Section 981(a)(1)(C) with Title 28, United Code, Section 2461(c) and Title 18, United States  
11 Code, Section 982(a)(2)(A).

12 **V. COLLATERAL USE OF FACTUAL ADMISSIONS**

13 The facts set forth in Section IV of this Plea Agreement shall be admissible against the  
14 defendant under Fed. R. Evid. 801(d)(2)(A) at sentencing for any purpose. If the Defendant  
15 does not plead guilty or withdraws her guilty plea, the facts set forth in Section IV of this Plea  
16 Agreement shall be admissible at any proceeding, including a trial, for impeaching or rebutting  
17 any evidence, argument or representation offered by or on the defendant's behalf. The  
18 defendant expressly waives all rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410  
19 regarding the use of the facts set forth in Section IV of this Plea Agreement.

20 **VI. APPLICATION OF SENTENCING GUIDELINES PROVISIONS**

21 A. Discretionary Nature of Sentencing Guidelines. The defendant acknowledges  
22 that the Court must consider the United States Sentencing Guidelines (“USSG” or “Sentencing  
23 Guidelines”) in determining the defendant’s sentence, but that the Sentencing Guidelines are  
24

1 advisory, not mandatory, and the Court has discretion to impose any reasonable sentence up to  
2 the maximum term of imprisonment permitted by statute.

3 B. Offense Level Calculations. The parties stipulate to the following calculation of  
4 the Defendant’s offense level under the Sentencing Guidelines, acknowledge that these  
5 stipulations do not bind the Court:

6	Base Offense Level (USSG § 2B1.1):	7
7	Loss Amount: \$9,500,000 - \$25,000,000 (USSG § 2B1.1(b)(1)(K)):	20
8	Reduction for Mitigating Role (Minimal Participant) (USSG § 3B1.2(a)):	(4)
9	Reduction for Acceptance of Responsibility (USSG § 3E1.1)	(3)
10	Total	20

11 The defendant acknowledges that the statutory maximum sentence and any statutory  
12 minimum sentence limit the Court’s discretion in determining the defendant’s sentence  
13 notwithstanding any applicable Sentencing Guidelines provisions.

14 C. Reduction of Offense Level for Acceptance of Responsibility. Under USSG  
15 § 3E1.1(a), the United States will recommend that the defendant receive a two-level downward  
16 adjustment for acceptance of responsibility unless she (a) fails to truthfully admit facts  
17 establishing a factual basis for the guilty plea when she enters the plea; (b) fails to truthfully  
18 admit facts establishing the amount of restitution owed when she enters her guilty plea; (c) fails  
19 to truthfully admit facts establishing the forfeiture allegations when she enters her guilty plea;  
20 (d) provides false or misleading information to the United States, the Court, Pretrial Services, or  
21 the Probation Office; (e) denies involvement in the offense or provides conflicting statements  
22 regarding her involvement or falsely denies or frivolously contests conduct relevant to the  
23 offense; (f) attempts to withdraw her guilty plea; (g) commits or attempts to commit any crime;  
24 (h) fails to appear in court; or (i) violates the conditions of pretrial release.

1 Under USSG § 3E1.1(b), the United States will move for an additional one-level  
2 downward adjustment for acceptance of responsibility before sentencing because the defendant  
3 communicated her decision to plead guilty in a timely manner that enabled the United States to  
4 avoid preparing for trial and to efficiently allocate its resources.

5 D. Criminal History Category. The defendant acknowledges that the Court may  
6 base her sentence in part on the defendant's criminal record or criminal history. The Court will  
7 determine the defendant's Criminal History Category under the Sentencing Guidelines.

8 E. Relevant Conduct. The Court may consider all relevant conduct, whether  
9 charged or uncharged, in determining the applicable Sentencing Guidelines range and whether  
10 to depart from that range.

11 F. Additional Sentencing Information. The stipulated Sentencing Guidelines  
12 calculations are based on information now known to the parties. The parties may provide  
13 additional information to the United States Probation Office and the Court regarding the nature,  
14 scope, and extent of the defendant's criminal conduct and any aggravating or mitigating facts or  
15 circumstances. Good faith efforts to provide truthful information or to correct factual  
16 misstatements shall not be grounds for the defendant to withdraw her guilty plea.

17 The defendant acknowledges that the United States Probation Office may calculate the  
18 Sentencing Guidelines differently and may rely on additional information it obtains through its  
19 investigation. The defendant also acknowledges that the Court may rely on this and other  
20 additional information as it calculates the Sentencing Guidelines range and makes other  
21 sentencing determinations, and the Court's reliance on such information shall not be grounds for  
22 the defendant to withdraw her guilty plea.

23 Notwithstanding the agreement to recommend a sentence, the United States reserves  
24 its right to defend any lawfully imposed sentence on appeal or in any post-conviction litigation.

1 **VII. APPLICATION OF SENTENCING STATUTES**

2 A. Maximum Penalty. The maximum penalty for conspiracy under 18 U.S.C.  
3 § 1349 is a thirty-year prison sentence, a fine of \$1,000,000, or both. The maximum penalty for  
4 bank fraud under 18 U.S.C. § 1344 is a thirty-year prison sentence, a fine of \$1,000,000, or  
5 both.

6 B. Factors Under 18 U.S.C. § 3553. The Court must consider the factors set forth in  
7 18 U.S.C. § 3553(a) in determining the defendant's sentence. However, the statutory maximum  
8 sentence and any statutory minimum sentence limit the Court's discretion in determining the  
9 defendant's sentence.

10 C. Parole Abolished. The defendant acknowledges that her prison sentence cannot  
11 be shortened by early release on parole because parole has been abolished.

12 D. Supervised Release. In addition to imprisonment and a fine, the defendant will  
13 be subject to a term of supervised release not greater than five years. 18 U.S.C. § 3583(b)(1).  
14 Supervised release is a period of time after release from prison during which the defendant will  
15 be subject to various restrictions and requirements. If the defendant violates any condition of  
16 supervised release, the Court may order the defendant's return to prison for all or part of the  
17 term of supervised release, which could result in the defendant serving a total term of  
18 imprisonment greater than the statutory maximum prison sentence of 30 years.

19 E. Special Assessment. The defendant will pay a \$100.00 special assessment per  
20 count at the time of sentencing.

21 **VIII. POSITIONS REGARDING SENTENCE**

22 The parties agree and stipulate to a downward departure pursuant to USSG  
23 §5K2.0(a)(1)(A); or, a downward variance pursuant to 18 USC §3553(a) and (b), to the extent  
24 required to achieve a guideline offense level of 8. The downward departure is based on the fact

1 that the Defendant's actual conduct and role in the overall scheme was limited and she received  
2 little personal gain relative to the total loss amount. Further the downward variance is based on  
3 the need for the sentence to 1) reflect the seriousness of the offense and to provide just  
4 punishment for the offense; 2) afford adequate deterrence to criminal conduct; and 3) protect the  
5 public from further crimes of the Defendant. The parties agree that the downward departure is  
6 reasonable and sufficient, but not greater than necessary to achieve the goals of sentencing.

7 The parties agree and jointly recommend a sentence of time served and a period of  
8 supervised release of five years.

9 The defendant acknowledges that the Court does not have to grant the jointly  
10 recommended downward departure. Additionally, notwithstanding the agreement to jointly  
11 recommend a sentence of time served and a period of supervised release of five years, the  
12 United States reserves its right to defend any lawfully imposed sentence on appeal or in any  
13 post-conviction litigation.

#### 14 **VIII. RESTITUTION**

15 In exchange for benefits received under this Plea Agreement, the defendant agrees to  
16 make restitution in the amount of \$115,214.40 to lenders and other entities to be determined at  
17 sentencing. The defendant cannot discharge her restitution obligation through bankruptcy  
18 proceedings. The defendant acknowledges that restitution payments and obligations cannot  
19 offset or reduce the amount of any forfeiture judgment imposed in this case.

#### 20 **IX. FORFEITURE**

21 The defendant knowingly and voluntarily:

22 A. Agrees to the District Court imposing an in personam criminal forfeiture money  
23 judgment of \$115,214.40 not to be held jointly and severally liable with any codefendants;  
24

1           B.     Waives her right to any abandonment proceedings, any civil administrative  
2 forfeiture proceedings, any civil judicial forfeiture proceedings, or any criminal forfeiture  
3 proceedings of the in personam criminal forfeiture money judgment (proceedings);

4           C.     Waives service of process of any and all documents filed in this action or any  
5 proceedings concerning the in personam criminal forfeiture money judgment arising from the  
6 facts and circumstances of this case;

7           D.     Agrees not to file any claim, answer, petition, or other documents in any  
8 proceedings concerning the in personam criminal forfeiture money judgment;

9           E.     Waives the statute of limitations, the CAFRA requirements, Fed. R. Crim. P. 7,  
10 11, and 32.2, all constitutional requirements, including, but not limited to, the constitutional due  
11 process requirements of any proceedings concerning the in personam criminal forfeiture money  
12 judgment;

13           F.     Waives all constitutional, legal, and equitable defenses to the in personam  
14 criminal forfeiture money judgment in any proceedings, including, but not limited to, (1)  
15 constitutional or statutory double jeopardy defenses and (2) defenses under the Excessive Fines  
16 or Cruel and Unusual Punishments Clauses of the Eighth Amendment to the United States  
17 Constitution;

18           G.     Agrees to the entry of an Order of Forfeiture for the in personam criminal  
19 forfeiture money judgment to the United States;

20           H.     Waives the right to appeal any Order of Forfeiture;

21           I.     Agrees that the in personam criminal forfeiture money judgment is immediately  
22 due and payable and is subject to immediate collection by the United States;

1 J. Agrees and understands the in personam criminal forfeiture money judgment  
2 shall not be treated as satisfaction of any assessment, fine, restitution, cost of imprisonment, or  
3 any other penalty the Court may impose upon the defendant in addition to the forfeiture;

4 K. Acknowledges that the amount of the forfeiture may differ from, and may be  
5 significantly greater than or less than, the amount of restitution; and

6 L. Agrees to take all steps as requested by the United States to pass clear title of any  
7 forfeitable assets which may be used to satisfy the in personam criminal forfeiture money  
8 judgment to the United States and to testify truthfully in any judicial forfeiture proceedings. The  
9 defendant understands and agrees that the in personam criminal forfeiture money judgment  
10 amount represents proceeds and/or facilitating property of illegal conduct and is forfeitable. The  
11 defendant acknowledges that failing to cooperate in full in the disclosure of assets constitutes a  
12 breach of this Plea Agreement.

13 **X. FINANCIAL INFORMATION AND DISPOSITION OF ASSETS**

14 Before or after sentencing, upon request by the Court, the United States, or the Probation  
15 Office, the defendant will provide accurate and complete financial information, submit sworn  
16 statements, and/or give depositions under oath concerning her assets and her ability to pay. The  
17 defendant will surrender assets she obtained directly or indirectly as a result of her crimes, and  
18 will release funds and property under her control in order to pay any fine, forfeiture, or  
19 restitution ordered by the Court.

20 **XI. THE DEFENDANT'S ACKNOWLEDGMENTS AND WAIVERS**

21 A. Plea Agreement and Decision to Plead Guilty. The defendant acknowledges  
22 that:

23 1. She has read this Plea Agreement and understands its terms and  
24 conditions;



1           2.     She has had adequate time to discuss this case, the evidence, and this Plea  
2 Agreement with her attorney;

3           3.     She has discussed the terms of this Plea Agreement with her attorney;

4           4.     The representations contained in this Plea Agreement are true and  
5 correct, including the facts set forth in Section IV; and

6           5.     She was not under the influence of any alcohol, drug, or medicine that  
7 would impair her ability to understand the Agreement when she considered signing this Plea  
8 Agreement and when she signed it.

9           The defendant understands that she alone decides whether to plead guilty or go to trial,  
10 and acknowledges that she has decided to enter her guilty plea knowing of the charges brought  
11 against her, her possible defenses, and the benefits and possible detriments of proceeding to  
12 trial. The defendant also acknowledges that she decided to plead guilty voluntarily and that no  
13 one coerced or threatened her to enter into this Plea Agreement.

14           B.     Waiver of Appeal and Post-Conviction Proceedings. The defendant knowingly  
15 and expressly waives: (a) the right to appeal any sentence imposed within or below the  
16 applicable Sentencing Guideline range as determined by the Court; (b) the right to appeal the  
17 manner in which the Court determined that sentence on the grounds set forth in 18 U.S.C.  
18 § 3742; and (c) the right to appeal any other aspect of the conviction or sentence and any order  
19 of restitution or forfeiture.

20           The defendant also knowingly and expressly waives all collateral challenges, including  
21 any claims under 28 U.S.C. § 2255, to her conviction, sentence, and the procedure by which the  
22 Court adjudicated guilt and imposed sentence, except non-waivable claims of ineffective  
23 assistance of counsel.

24

1 The defendant reserves only the right to appeal any portion of the sentence that is an  
2 upward departure from the Sentencing Guidelines range determined by the Court.

3 The defendant acknowledges that the United States is not obligated or required to  
4 preserve any evidence obtained in the investigation of this case.

5 C. Removal/Deportation Consequences. The defendant understands and  
6 acknowledges that if she is not a United States citizen, then it is highly probable that she will be  
7 permanently removed (deported) from the United States as a consequence of pleading guilty  
8 under the terms of this Plea Agreement. The defendant has also been advised if her conviction  
9 is for an offense described in 8 U.S.C. § 1101(a)(43), she will be deported and removed from  
10 the United States and will not be allowed to return to the United States at any time in the future.  
11 The defendant desires to plead guilty regardless of any immigration consequences that may  
12 result from her guilty plea, even if the consequence is automatic removal from the United States  
13 with no possibility of returning. The defendant acknowledges that she has specifically discussed  
14 these removal/deportation consequences with her attorney.

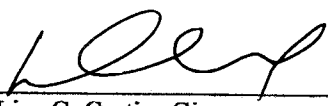
15 **XII. ADDITIONAL ACKNOWLEDGMENTS**

16 This Plea Agreement resulted from an arms-length negotiation in which both parties  
17 bargained for and received valuable benefits in exchange for valuable concessions. It  
18 constitutes the entire agreement negotiated and agreed to by the parties. No promises,  
19 agreements or conditions other than those set forth in this agreement have been made or implied  
20 by the defendant, the defendant's attorney, or the United States, and no additional promises,  
21 agreements or conditions shall have any force or effect unless set forth in writing and signed by  
22 all parties or confirmed on the record before the Court.

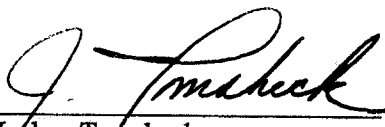
23 DANIEL G. BOGDEN,  
24 United States Attorney

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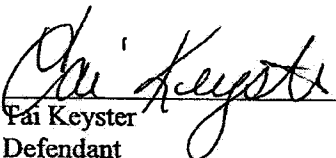
DATE 8-5-16

  
\_\_\_\_\_  
Lisa C. Cartier Giroux  
Assistant United States Attorney  
Kyle Maurer  
Trial Attorney

DATE 7/19/16

  
\_\_\_\_\_  
Joshua Tomsheck  
Counsel for the Defendant

DATE 7/19/16

  
\_\_\_\_\_  
Fai Keyster  
Defendant