

1 ANDREW WEISSMANN
Chief, Fraud Section
2 Criminal Division
WILLIAM E. JOHNSTON
3 BRIAN KIDD
Trial Attorneys
4 Fraud Section, Criminal Division
U.S. Department of Justice
5 1400 New York Ave NW
Washington, District of Columbia 20530
6 Telephone: (202) 514-0687
Facsimile: (202) 514-0152
7 E-mail: William.Johnston4@usdoj.gov
Brian.Kidd2@usdoj.gov
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,

13 Plaintiff,

14 v.

15 ORBEL HAKOBYAN,

16 Defendant.

No. CR 15-558-SVW

PLEA AGREEMENT FOR DEFENDANT
ORBEL HAKOBYAN

17
18 1. This constitutes the plea agreement between Orbel Hakobyan
19 (the "defendant") and the Criminal Division, Fraud Section, of the
20 U.S. Department of Justice (the "government") in the above-captioned
21 case. This agreement is limited to the government and cannot bind
22 any other federal, state, local, or foreign prosecuting, enforcement,
23 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 count eight of the second superseding indictment in United States v.

1 Artashes Darbinyan et al., CR No. 2:15-CR-558, which charges the
2 defendant with one count of conspiracy to launder monetary
3 instruments, in violation of 18 U.S.C. § 1956(h); and three counts of
4 concealment money laundering, in violation of 18 U.S.C.
5 § 1956(a)(1)(B)(i).

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

7 c. Abide by all agreements regarding sentencing contained
8 in this agreement.

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

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

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

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

22 THE GOVERNMENT'S OBLIGATIONS

23 3. The government agrees to:

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

25 b. Abide by all agreements regarding sentencing contained
26 in this agreement.

27 c. At the time of sentencing, move to dismiss the
28 remaining counts of the Second Superseding Indictment against the

1 defendant. The defendant agrees, however, that at the time of
2 sentencing the Court may consider any dismissed charges in
3 determining the applicable Sentencing Guidelines range, the propriety
4 and extent of any departure from that range, and the sentence to be
5 imposed.

6 d. At the time of sentencing, provided that the defendant
7 demonstrates an acceptance of responsibility for the offense up to
8 and including the time of sentencing, recommend a two-level reduction
9 in the applicable Sentencing Guidelines offense level, pursuant to
10 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
11 additional one-level reduction if available under that section.

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

26 NATURE OF THE OFFENSE

27 4. The defendant understands that for the defendant to be
28 guilty of the crime charged in count eight, that is, conspiracy to

1 launder monetary instruments in violation of Title 18, United States
2 Code, Section 1956(h), the following must be true:

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

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

8 PENALTIES AND RESTITUTION

9 5. The defendant understands that the statutory maximum
10 sentence that the Court can impose for a violation of Title 18,
11 United States Code, Section 1956(h), is: 20 years imprisonment, a 3-
12 year period of supervised release, a fine of \$500,000, or twice the
13 value of the laundered funds, whichever is greater, and a mandatory
14 special assessment of \$100.

15 6. The defendant understands that the defendant will be
16 required to pay full restitution to the victims of the offense to
17 which the defendant is pleading guilty. The defendant agrees that,
18 in return for the government's compliance with its obligations under
19 this agreement, the Court may order restitution to persons other than
20 the victims of the offense to which the defendant is pleading guilty
21 and in amounts greater than those alleged in the counts to which the
22 defendant is pleading guilty. In particular, the defendant agrees
23 that the Court may order restitution to any victim of any of the
24 following for any losses suffered by that victim as a result: (a) any
25 relevant conduct, as defined in U.S.S.G. § 1B1.3, in connection with
26 the offense to which the defendant is pleading guilty; and (b) any
27 counts dismissed and charges not prosecuted pursuant to this
28

1 agreement as well as all relevant conduct, as defined in U.S.S.G.
2 § 1B1.3, in connection with those counts and charges.

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

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

26 9. The defendant understands that, if the defendant is not a
27 United States citizen, the felony conviction in this case may subject
28 the defendant to: removal, also known as deportation, which may,

1 under some circumstances, be mandatory; denial of citizenship; and
2 denial of admission to the United States in the future. The court
3 cannot, and the defendant's attorney also may not be able to, advise
4 the defendant fully regarding the immigration consequences of the
5 felony conviction in this case. The defendant understands that
6 unexpected immigration consequences will not serve as grounds to
7 withdraw the defendant's guilty plea.

8 FACTUAL BASIS

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

18 a. From in or about September 2013 until on or about
19 September 18, 2015, in the Central District of California and
20 elsewhere, the defendant conspired with others to commit the offense
21 of concealment money laundering, in violation of Title 18, United
22 States Code, Section 1956(a)(1)(B)(i) by conducting and attempting to
23 conduct financial transactions affecting interstate and foreign
24 commerce involving the proceeds of a specified unlawful activity,
25 that is mail fraud, in violation of Title 18, United States Code,
26 Section 1341, knowing that the property involved in the financial
27 transactions represented the proceeds of some form of unlawful
28 activity constituting a felony under state or federal law, and

1 knowing that the transactions were designed in whole and in part to
2 conceal and disguise the nature, the location, the source, the
3 ownership, and control of the proceeds of said specified unlawful
4 activity.

5 b. In furtherance of the conspiracy, the defendant and
6 co-conspirators opened up bank accounts at Wells Fargo in the names
7 of real people, using false California driver's licenses in those
8 people's names, and pretended to be those people to launder the
9 proceeds of mail fraud.

10 c. Specifically, the defendant used the bogus accounts to
11 launder the proceeds of a mass mailing scam, operated under the names
12 of Trademark Compliance Center (TCC) and Trademark Compliance Office
13 (TCO). The scam targeted trademark applicants by falsely promising
14 them through mass mail solicitations a registration and monitoring
15 service. The mail solicitations were also designed to deceive their
16 recipients into believing TCC and TCO were official government
17 agencies whose fees were mandatory as part of the trademark
18 registration process.

19 d. After depositing victims' payments into the bank
20 accounts that had been illicitly opened with the identities of real
21 people, the defendant and co-conspirators withdrew the proceeds in
22 the form of cashier's checks or transferred the funds to other
23 accounts from which structured withdrawals were made in cash -- all
24 while pretending to be actual signatories on the account.

25 e. For example, on or about January 7, 2015, the
26 defendant, at a Wells Fargo branch in Glendale, California, pretended
27 to be E.S. to deposit a \$30,000 check made out to E.S. -- and drawn
28 on an account into which proceeds of the scam had been deposited --

1 and to obtain, using a false California driver's license number,
2 \$9,000 cash back from the deposit.

3 f. The defendant used the cashier's checks to make gold
4 purchases from a gold dealer, and misrepresented to the gold dealer
5 that he had authorization to make withdrawals from the account on
6 which the cashier's checks were drawn.

7 g. The defendant and co-conspirators laundered
8 approximately \$1,289,234.73 through the bogus Wells Fargo bank
9 accounts, all of which constituted proceeds of the trademark scam,
10 and with the intention of hiding the source, control, and ownership
11 of the funds.

12 SENTENCING FACTORS

13 11. The defendant understands that in determining the
14 defendant's sentence the Court is required to calculate the
15 applicable Sentencing Guidelines range and to consider that range,
16 possible departures under the Sentencing Guidelines, and the other
17 sentencing factors set forth in 18 U.S.C. § 3553(a). The defendant
18 understands that the Sentencing Guidelines are advisory only, that
19 the defendant cannot have any expectation of receiving a sentence
20 within the calculated Sentencing Guidelines range, and that after
21 considering the Sentencing Guidelines and the other § 3553(a)
22 factors, the Court will be free to exercise its discretion to impose
23 any sentence it finds appropriate up to the maximum set by statute
24 for the crimes of conviction.

25 12. The defendant and the government agree to the following
26 applicable Sentencing Guidelines factors:
27
28

1	Base Offense Level:	22	[U.S.S.G. § 2S1.1(a)(2)]
2	Specific Offense	2	
3	Characteristics:		
4	Convicted under 18 U.S.C.		
5	§ 1956	2	[U.S.S.G. § 2S1.1(b)(2)]
6	TOTAL:	24	

7 The defendant and the government agree that no additional specific
8 offense characteristics, adjustments, or departures under the
9 Sentencing Guidelines are appropriate.

10 13. The defendant understands that there is no agreement as to
11 defendant's criminal history or criminal history category.

12 14. The defendant and the government reserve the right to argue
13 for a sentence outside the sentencing range established by the
14 Sentencing Guidelines based on the factors set forth in 18 U.S.C.
15 § 3553(a)(1), (a)(2), (a)(3), (a)(6), and (a)(7).

16 WAIVER OF CONSTITUTIONAL RIGHTS

17 15. The defendant understands that by pleading guilty, the
18 defendant gives up the following rights:

- 19 a. The right to persist in a plea of not guilty.
- 20 b. The right to a speedy and public trial by jury.
- 21 c. The right to be represented by counsel -- and if
- 22 necessary have the court appoint counsel -- at trial. The defendant
- 23 understands, however, that the defendant retains the right to be
- 24 represented by counsel -- and if necessary have the court appoint
- 25 counsel -- at every other stage of the proceeding.
- 26
- 27
- 28

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

4 e. The right to confront and cross-examine witnesses
5 against the defendant.

6 f. The right to testify and to present evidence in
7 opposition to the charges, including the right to compel the
8 attendance of witnesses to testify.

9 g. The right not to be compelled to testify, and, if the
10 defendant chose not to testify or present evidence, to have that
11 choice not be used against the defendant.

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

15 WAIVER OF APPEAL OF CONVICTION

16 16. The defendant understands that, with the exception of an
17 appeal based on a claim that the defendant's guilty plea was
18 involuntary, by pleading guilty the defendant is waiving and giving
19 up any right to appeal the defendant's conviction on the offense to
20 which the defendant is pleading guilty.

21 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

22 17. The defendant agrees that, provided the Court imposes a
23 total term of imprisonment on all counts of conviction of no more
24 than 46 months, the defendant gives up the right to appeal all of the
25 following: (a) the procedures and calculations used to determine and
26 impose any portion of the sentence; (b) the term of imprisonment
27 imposed by the Court; (c) the fine imposed by the court, provided it
28 is within the statutory maximum; (d) the term of probation or

1 supervised release imposed by the Court, provided it is within the
2 statutory maximum; and (e) any of the following conditions of
3 probation or supervised release imposed by the Court: the conditions
4 set forth in General Orders 318, 01-05, and/or 05-02 of this Court;
5 the drug testing conditions mandated by 18 U.S.C. §§ 3563(a)(5) and
6 3583(d); and the alcohol and drug use conditions authorized by 18
7 U.S.C. § 3563(b)(7).

8 18. The government agrees that, provided (a) all portions of
9 the sentence are at or below the statutory maximum specified above
10 and (b) the Court imposes a term of imprisonment of no less than 37
11 months, the government gives up its right to appeal any portion of
12 the sentence.

13 RESULT OF WITHDRAWAL OF GUILTY PLEA

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

EFFECTIVE DATE OF AGREEMENT

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

BREACH OF AGREEMENT

21. The defendant agrees that if the defendant, at any time after the signature of this agreement and execution of all required certifications by the defendant, the defendant's counsel, and a government attorney, knowingly violates or fails to perform any of defendant's obligations under this agreement ("a breach"), the government may declare this agreement breached. All of the defendant's obligations are material, a single breach of this agreement is sufficient for the government to declare a breach, and the defendant shall not be deemed to have cured a breach without the express agreement of the government in writing. If the government declares this agreement breached, and the Court finds such a breach to have occurred, then: (a) if the defendant has previously entered a guilty plea pursuant to this agreement, the defendant will not be able to withdraw the guilty plea, and (b) the government will be relieved of all its obligations under this agreement.

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

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

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

6 c. The defendant agrees that: (i) any statements made by
7 the defendant, under oath, at the guilty plea hearing (if such a
8 hearing occurred prior to the breach); (ii) the agreed to factual
9 basis statement in this agreement; and (iii) any evidence derived
10 from such statements, shall be admissible against the defendant in
11 any such action against the defendant, and the defendant waives and
12 gives up any claim under the United States Constitution, any statute,
13 Rule 410 of the Federal Rules of Evidence, Rule 11(f) of the Federal
14 Rules of Criminal Procedure, or any other federal rule, that the
15 statements or any evidence derived from the statements should be
16 suppressed or are inadmissible.

17 COURT AND PROBATION OFFICE NOT PARTIES

18 23. The defendant understands that the Court and the United
19 States Probation Office are not parties to this agreement and need
20 not accept any of the government's sentencing recommendations or the
21 parties' agreements to facts or sentencing factors.

22 24. The defendant understands that both the defendant and the
23 government are free to: (a) supplement the facts by supplying
24 relevant information to the United States Probation Office and the
25 Court, (b) correct any and all factual misstatements relating to the
26 Court's Sentencing Guidelines calculations and determination of
27 sentence, and (c) argue on appeal and collateral review that the
28 Court's Sentencing Guidelines calculations and the sentence it

1 chooses to impose are not error, although each party agrees to
2 maintain its view that the calculations in paragraph 12 are
3 consistent with the facts of this case. While this paragraph permits
4 both the government and the defendant to submit full and complete
5 factual information to the United States Probation Office and the
6 Court, even if that factual information may be viewed as inconsistent
7 with the facts agreed to in this agreement, this paragraph does not
8 affect the defendant's and the government's obligations not to
9 contest the facts agreed to in this agreement.

10 25. The defendant understands that even if the Court ignores
11 any sentencing recommendation, finds facts or reaches conclusions
12 different from those agreed to, and/or imposes any sentence up to the
13 maximum established by statute, defendant cannot, for that reason,
14 withdraw the defendant's guilty plea, and the defendant will remain
15 bound to fulfill all the defendant's obligations under this
16 agreement. The defendant understands that no one -- not the
17 prosecutor, the defendant's attorney, or the Court -- can make a
18 binding prediction or promise regarding the sentence the defendant
19 will receive, except that it will be within the statutory maximum.

20 NO ADDITIONAL AGREEMENTS

21 26. The defendant understands that, except as set forth herein,
22 there are no promises, understandings, or agreements between the
23 government and the defendant or the defendant's attorney, and that no
24 additional promise, understanding, or agreement may be entered into
25 unless in a writing signed by all parties or on the record in court.

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

27. 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 Johnston

WILLIAM E. JOHNSTON
BRIAN KIDD
Trial Attorneys

12/08/16

Date

ORBEL HAKOBYAN
Defendant

11/30/16
Date

GARO GHAZARIAN
Attorney for Defendant

11-30-16
Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my 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. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.

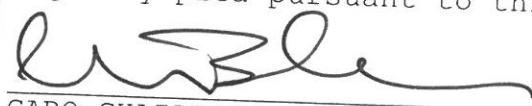
ORBEL HAKOBYAN
Defendant

Date

11/30/16

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am Orbel Hakobyan'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 a guilty plea pursuant to this agreement.


GARO GHAZARIAN
Attorney for Defendant Orbel
Hakobyan

11-30-16
Date