

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO. 17-189

v.

*

SECTION: "A"

TRAM NGUYEN

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* * *

FACTUAL BASIS

Should this matter proceed to trial, the United States would present credible testimony and reliable evidence to prove the following facts beyond a reasonable doubt:

On August 23, 2016, Louisiana State Police ("LSP") intercepted from freight company SAIA a shipment destined for 1500 4th St. Westwego, Louisiana 70094—a warehouse in the Eastern District of Louisiana in which Tram NGUYEN lived with her boyfriend, Michael Kwan ("the Warehouse"). That seized shipment comprised three shipping pallets, each with four large cylindrical drums, for a total of twelve drums. An LSP canine unit conducted a free air sniff of the three pallets, and each one yielded a positive alert for the presence of narcotics. LSP obtained a valid warrant to search the twelve drums, executed the warrant, and discovered that all twelve drums contained multiple vacuum-sealed bags containing between 30 and 40 pounds of marijuana per drum, for a total of about 420 pounds of marijuana, hidden within large quantities of salts. SAIA shipping records show numerous prior shipments matching the same pattern as the seized shipment, with pallets sent from the same sender and address in California to the same recipient at the address of the Warehouse.

Fee _____
Process _____
[X] Filed _____
Court Report _____
Docket _____

Defendant *TW*
Def. Atty. *BCD*
AUSA *JWS*

On August 23, 2016, LSP obtained a valid warrant to search the warehouse, executed that warrant, and discovered that inside the Warehouse were 16 additional pounds of marijuana, 161 additional 55-gallon drums (containing salts but no marijuana), digital scales, money counters, materials for the repackaging of marijuana into smaller bags, and bills of lading similar to the one for the twelve seized drums. LSP also discovered a residential area of the warehouse containing the personal effects of both Kwan and NGUYEN.




While LSP was still present, NGUYEN arrived at the Warehouse and entered through a remote-access door that she was able to open from within her vehicle. NGUYEN denied living at the Warehouse and insisted that she was present simply to use the Warehouse's wireless internet. Later that day, Kwan arrived and, after being advised of his *Miranda* rights, admitted that he was paid to accept the packages of marijuana using a fictitious name. Kwan also admitted that he would launder his marijuana proceeds by using the cash from the marijuana sales to buy shrimp from commercial shrimp fishermen, reselling it to restaurants and seafood retailers, and directing those restaurants and retailers to issue checks payable to NGUYEN. Kwan provided LSP with consent to search his truck, where LSP located and seized eight such business checks from seafood companies made payable to NGUYEN.

Records from NGUYEN's bank accounts reveal dozens of additional checks from seafood companies, each signed and deposited by NGUYEN. Two days after LSP searched the Warehouse, while Kwan was in jail, NGUYEN made a \$35,000 pre-payment on a mortgage, using funds withdrawn from a bank account of hers that contained drug proceeds. Days later, NGUYEN created a new limited liability corporation and opened a new bank account in the name of that corporation, and she then transferred additional funds from her personal account into the new corporate account, to further hide the proceeds of the marijuana conspiracy.

* * * * *

NGUYEN agrees and admits that she had knowledge that Kwan was receiving and distributing large quantities of marijuana, that she failed to notify an authority as soon as possible, and that she performed an affirmative act, to wit: depositing checks from seafood retailers to hide the source of the funds, and transferring at least \$45,000 from various bank accounts in order to conceal drug proceeds and render those proceeds beyond the reach of law enforcement. The government and NGUYEN agree and stipulate that for sentencing purposes related to this misprision of a felony, NGUYEN will be held responsible for 1,000-3,000 kilograms of marijuana, as that is the amount received by Kwan for redistribution.

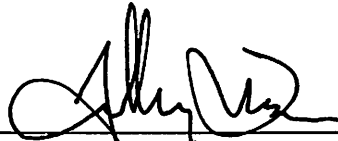
At trial, the government would introduce, among other evidence, the marijuana seized by LSP on August 23, 2016, and the drums that contained it; the empty 55-gallon drums and other evidence seized at the Warehouse; personal effects belonging to NGUYEN to demonstrate that she lived in the Warehouse; financial instruments and records seized from the Warehouse; records from financial institutions reflecting NGUYEN's deposits of funds derived from drug proceeds; records from financial institutions reflecting NGUYEN's transfers of funds to hide or conceal drug proceeds; testimony of the investigating agents and forensic chemist; and the statements of other witnesses.

Defendant 
Def. Atty. 
AUSA 


Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by NGUYEN or the government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for NGUYEN's plea of guilty to the charged offense in Count 1 of the Bill of Information, and to stipulate that all acts took place within the Eastern District of Louisiana.


READ AND APPROVED:

 10/1/18

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 10/1/18

TRAM NGUYEN
Defendant

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