

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

FILED IN OPEN COURT  
8.25.15  
CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

Case No. 3:15-cr-94-J-25MCR

MARK LAURENCE BARLAAN

PLEA AGREEMENT

A. Particularized Terms

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by A. Lee Bentley, III, United States Attorney for the Middle District of Florida, and the defendant, MARK LAURENCE BARLAAN, and the defendant's attorney, Jeffrey A. Gedbaw, mutually agree as follows:

1. Count Pleading To

The defendant shall enter a plea of guilty to Count Two of the Indictment. Count Two charges the defendant with marriage fraud, in violation of Title 8, United States Code, Section 1325(c), and Title 18, United States Code, Section 2.

2. Maximum Penalties

The maximum penalties for Count Two are a term of imprisonment of not more than five years, a fine of not more than \$250,000, or both a term of imprisonment and a fine, a term of supervised release of not more than three years, and a special assessment of \$100, which is due on the date of sentencing. A

Defendant's Initials MB

AF Initials MB, FSA  
Paralegal III

violation of the terms and conditions of supervised release is punishable by a maximum sentence of not more than two years of additional imprisonment as well as the possibility of an additional term of supervised release. Conviction of the offense also will adversely affect the defendant's immigration status in the United States, both now and in the future, and will likely result in his deportation from the United States.

3. Elements of the Offense

The defendant acknowledges understanding the nature and elements of the offense with which the defendant has been charged and to which the defendant is pleading guilty. The elements of Count Two are:

- (1) the Defendant knowingly entered into a marriage; and
- (2) the Defendant did so for the purpose of evading, or aiding and abetting the evasion of, a provision of the immigration laws of the United States.

4. Counts Dismissed

At the time of sentencing, the remaining counts against the defendant, Counts One, Seven, and Eight, will be dismissed pursuant to Fed. R. Crim. P. 11(c)(1)(A). However, the defendant understands that the conduct related to the charges set forth in those counts may be considered relevant conduct by the Court in determining the defendant's sentence.

5. No Further Charges

If the Court accepts this plea agreement, the United States Attorney's Office for the Middle District of Florida agrees not to charge defendant with

Defendant's Initials MB

committing any other federal criminal offenses known to the United States Attorney's Office at the time of the execution of this agreement.

6. Acceptance of Responsibility

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted, the United States will recommend to the Court that the defendant receive a two-level downward adjustment for acceptance of responsibility, pursuant to USSG § 3E1.1(a). The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

Further, at the time of sentencing, if the defendant's offense level prior to operation of subsection (a) is level 16 or greater, and if the defendant complies with the provisions of USSG § 3E1.1(b) and all terms of this Plea Agreement, including but not limited to, the timely submission of the financial affidavit referenced in Paragraph B.4., the United States agrees to file a motion pursuant to USSG § 3E1.1(b) for a downward adjustment of one additional level. The defendant understands that the determination as to whether the defendant has qualified for a downward adjustment of a third level for acceptance of responsibility rests solely with the United States Attorney for the Middle District of Florida, and the defendant agrees that the defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

Defendant's Initials VB

7. Removal – Notification

The defendant has been advised and understands that pleading guilty may have consequences with respect to the defendant's immigration status if the defendant is not a citizen of the United States. Under federal law, the offense to which defendant is pleading guilty may be a removable offense. Removal and other immigration consequences are the subject of a separate proceeding, however, and the defendant understands that no one, including the defendant's attorney or the district court, can predict to a certainty the effect of the defendant's conviction on the defendant's immigration status. The defendant nevertheless affirms that the defendant wants to plead guilty regardless of any immigration consequences that may result from the defendant's guilty plea, even if the consequence is the defendant's automatic removal from the United States following completion of the defendant's sentence.

8. Voluntary Departure

The defendant agrees to voluntarily depart the United States no later than either 30 days after he is released from imprisonment or 30 days after his judgment and sentence are final, whichever is later. The defendant shall provide the United States Attorney's Office—at least seven days before his departure—with a detailed itinerary of the planned departure, including the date, time, airline name, and flight number for all legs of any air travel or, if the departure is other than by air, similar details about the chosen method of travel.

Defendant's Initials MB

For purposes of this provision, the parties assume that the defendant will not appeal the judgment or sentence and therefore that the defendant's conviction will be final after the deadline for taking an appeal, which is 14 days after the entry of judgment. If the defendant decides to appeal the judgment or sentence, this provision will be void. The defendant understands that, notwithstanding this provision, he is subject to administrative arrest and detention by immigration authorities at any time and could be placed in administrative removal proceedings. The defendant also understands that he will be subject to administrative arrest and detention if he does not leave the United States within the time specified by this provision.

**B. Standard Terms and Conditions**

**1. Restitution, Special Assessment and Fine**

The defendant understands and agrees that the Court, in addition to or in lieu of any other penalty, shall order the defendant to make restitution to any victim of the offense, pursuant to 18 U.S.C. § 3663A, for all offenses described in 18 U.S.C. § 3663A(c)(1); and the Court may order the defendant to make restitution to any victim of the offense, pursuant to 18 U.S.C. § 3663, including restitution as to all counts charged, whether or not the defendant enters a plea of guilty to such counts, and whether or not such counts are dismissed pursuant to this agreement. The defendant further understands that compliance with any restitution payment plan imposed by the Court in no way precludes the United States from simultaneously pursuing other statutory remedies for collecting restitution (18 U.S.C. § 3003(b)(2)),

Defendant's Initials WB

including, but not limited to, garnishment and execution, pursuant to the Mandatory Victims Restitution Act, in order to ensure that the defendant's restitution obligation is satisfied.

On each count to which a plea of guilty is entered, the Court shall impose a special assessment pursuant to 18 U.S.C. § 3013. To ensure that this obligation is satisfied, the Defendant agrees to deliver a check or money order to the Clerk of the Court in the amount of \$100, payable to "Clerk, U.S. District Court" within ten days of the change of plea hearing.

The defendant understands that this agreement imposes no limitation as to fine.

2. Supervised Release

The defendant understands that the offense to which the defendant is pleading provides for imposition of a term of supervised release upon release from imprisonment, and that, if the defendant should violate the conditions of release, the defendant would be subject to a further term of imprisonment.

3. Immigration Consequences of Pleading Guilty

The defendant has been advised and understands that, upon conviction, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

Defendant's Initials MB

4. Sentencing Information

The United States reserves its right and obligation to report to the Court and the United States Probation Office all information concerning the background, character, and conduct of the defendant, to provide relevant factual information, including the totality of the defendant's criminal activities, if any, not limited to the count to which defendant pleads, to respond to comments made by the defendant or defendant's counsel, and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject to any limitations set forth herein, if any.

5. Financial Disclosures

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P. 32(d)(2)(A)(ii), the defendant agrees to complete and submit to the United States Attorney's Office within 30 days of execution of this agreement an affidavit reflecting the defendant's financial condition. The defendant promises that his financial statement and disclosures will be complete, accurate and truthful and will include all assets in which he has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, dependent, nominee or other third party. The defendant further agrees to execute any documents requested by the United States needed to obtain from any third parties any records of assets owned by the defendant, directly or through a nominee, and, by the execution of this Plea Agreement, consents to the release of the defendant's tax returns for the

Defendant's Initials MB

previous five years. The defendant similarly agrees and authorizes the United States Attorney's Office to provide to, and obtain from, the United States Probation Office, the financial affidavit, any of the defendant's federal, state, and local tax returns, bank records and any other financial information concerning the defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court. The defendant expressly authorizes the United States Attorney's Office to obtain current credit reports in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

6. Sentencing Recommendations

It is understood by the parties that the Court is neither a party to nor bound by this agreement. The Court may accept or reject the agreement, or defer a decision until it has had an opportunity to consider the presentence report prepared by the United States Probation Office. The defendant understands and acknowledges that, although the parties are permitted to make recommendations and present arguments to the Court, the sentence will be determined solely by the Court, with the assistance of the United States Probation Office. Defendant further understands and acknowledges that any discussions between defendant or defendant's attorney and the attorney or other agents for the government regarding any recommendations by the government are not binding on the Court and that, should any recommendations be rejected, defendant will not be permitted to withdraw defendant's plea pursuant to this plea agreement. The government

Defendant's Initials MB



expressly reserves the right to support and defend any decision that the Court may make with regard to the defendant's sentence, whether or not such decision is consistent with the government's recommendations contained herein.

7. Defendant's Waiver of Right to Appeal the Sentence

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the right to appeal defendant's sentence on any ground, including the ground that the Court erred in determining the applicable guidelines range pursuant to the United States Sentencing Guidelines, except (a) the ground that the sentence exceeds the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines; (b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution; provided, however, that if the government exercises its right to appeal the sentence imposed, as authorized by 18 U.S.C. § 3742(b), then the defendant is released from this waiver and may appeal the sentence as authorized by 18 U.S.C. § 3742(a).

8. Middle District of Florida Agreement

It is further understood that this agreement is limited to the Office of the United States Attorney for the Middle District of Florida and cannot bind other federal, state, or local prosecuting authorities, although this office will bring defendant's cooperation, if any, to the attention of other prosecuting officers or others, if requested.

Defendant's Initials mb

9. Filing of Agreement

This agreement shall be presented to the Court, in open court or in camera, in whole or in part, upon a showing of good cause, and filed in this cause, at the time of defendant's entry of a plea of guilty pursuant hereto.

10. Voluntariness

The defendant acknowledges that defendant is entering into this agreement and is pleading guilty freely and voluntarily without reliance upon any discussions between the attorney for the government and the defendant and defendant's attorney and without promise of benefit of any kind (other than the concessions contained herein), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges defendant's understanding of the nature of the offenses to which defendant is pleading guilty and the elements thereof, including the penalties provided by law, and defendant's complete satisfaction with the representation and advice received from defendant's undersigned counsel (if any). The defendant also understands that defendant has the right to plead not guilty or to persist in that plea if it has already been made, and that defendant has the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against defendant, the right against compulsory self-incrimination, and the right to compulsory process for the attendance of witnesses to testify in defendant's defense; but, by pleading guilty, defendant waives or gives up those rights and there will be no trial. The defendant further understands that if defendant pleads guilty, the Court may ask defendant

Defendant's Initials

W

questions about the offense or offenses to which defendant pleaded, and if defendant answers those questions under oath, on the record, and in the presence of counsel (if any), defendant's answers may later be used against defendant in a prosecution for perjury or false statement. The defendant also understands that defendant will be adjudicated guilty of the offenses to which defendant has pleaded and, if any of such offenses are felonies, may thereby be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

11. Factual Basis

Defendant is pleading guilty because defendant is in fact guilty. The defendant certifies that defendant does hereby admit that the facts set forth in the attached "Factual Basis," which is incorporated herein by reference, are true, and were this case to go to trial, the United States would be able to prove those specific facts and others beyond a reasonable doubt.

12. Entire Agreement

This plea agreement constitutes the entire agreement between the government and the defendant with respect to the aforementioned guilty plea and no other promises, agreements, or representations exist or have been made to the defendant or defendant's attorney with regard to such guilty plea.


Defendant's Initials WJ

13. Certification

The defendant and defendant's counsel certify that this plea agreement has been read in its entirety by (or has been read to) the defendant and that defendant fully understands its terms.

DATED this 17 day of August, 2015.

  
\_\_\_\_\_  
MARK LAURENCE BARLAAN  
Defendant

  
\_\_\_\_\_  
JEFFREY A. GEDBAW  
Attorney for Defendant

A. LEE BENTLEY, III  
United States Attorney

By:   
\_\_\_\_\_  
ARNOLD B. CORSMEIER  
Assistant United States Attorney

  
\_\_\_\_\_  
MAC D. HEAVENER, III  
Assistant United States Attorney  
Deputy Chief, Jacksonville Division

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

Case No. 3:15-cr-94-J-25MCR

MARK LAURENCE BARLAAN

---

PERSONALIZATION OF ELEMENTS

1. Do you admit that on October 25, 2011, you knowingly entered into a marriage with Winnie Barlaan?
2. Do you admit that you entered into the marriage for the purpose of evading of a provision of the immigration laws of the United States?

Defendant's Initials Mh

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

Case No. 3:15-cr-94-J-25MCR

MARK LAURENCE BARLAAN

---

FACTUAL BASIS

The defendant, MARK LAURENCE BARLAAN, is a citizen of the Philippines. On December 20, 2008, the defendant was admitted to the United States on a temporary work visa. The defendant is the son of Peter Barlaan, who also was a citizen of the Philippines living in the United States. Peter became a U.S. citizen on September 8, 2009. In September, 2011, Peter approached one of his co-workers, Winnie Barlaan, and asked her if she would help him in getting the defendant a "green card" that would allow the defendant to stay in the United States. Winnie is a U.S. citizen. Peter told Winnie that if she would help him, he would help her, and they both understood that Peter meant he would give her money for marrying the defendant. At a later meeting which the defendant attended, Peter said that he would pay Winnie several thousand dollars for marrying the defendant and cooperating in his immigration proceedings, and Winnie agreed to the arrangement. On October 3, 2011, Peter drove the defendant and Winnie to the Duval County courthouse and they applied for a marriage license. The defendant and Winnie got married on October 25, 2011.

Defendant's Initials MB

The defendant and Winnie never dated and were never intimate with each other and never lived together either before or after they were married. Under United States immigration laws, aliens married to U.S. citizens are given priority in the granting of immigration benefits over otherwise similarly situated aliens who are not married to U.S. citizens. As the defendant knew, the sole purpose of the marriage was to help him obtain legal immigration status by evading requirements of the immigration laws that apply to aliens who are not married to U.S. citizens.

Soon after the defendant and Winnie were married, Peter gave Winnie \$2500 in cash as a partial payment on the money he had promised to pay her. Winnie later received additional payments from Peter totaling several thousand dollars. The defendant was aware of these payments.

On January 11, 2012, the defendant filed a Form I-485, Application to Register Permanent Residence or Adjust Status, with the Department of Homeland Security, U.S. Citizenship and Immigration Services ("USCIS"). In the Form I-485, the defendant claimed eligibility for permanent residence in the United States as the spouse of a U.S. citizen. On the same date, Winnie filed a Form I-130, Petition for Alien Relative, by which, as the wife of the defendant, she sponsored his application for permanent residence.

On June 12, 2012, the defendant was interviewed by an immigration officer. During the interview, the defendant made false statements about the nature of his relationship with Winnie and the circumstances of their marriage. The defendant also provided documents to USCIS that misrepresented the nature and

Defendant's Initials PH

circumstances of his relationship with and marriage to Winnie. The false statements and fraudulent documents were intended to mislead immigration officers and cause them to believe that that the marriage was not entered into for the purpose of obtaining an immigration benefit for the defendant.

On September 26, 2013, the defendant was interviewed by USCIS fraud detection officers. During the interview, the defendant said, among other things, that he knew why the officers were there and that his father, Peter, had informed him that Peter had previously told the officers the truth about the defendant's marriage to Winnie. The defendant said that he had come up with the idea for the marriage so that he would not have to return to the Philippines.

Defendant's Initials ML