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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 UNITED STATES OF AMERICA,) NO. CR 14 0196 CRB
17 Plaintiff,) PLEA AGREEMENT
18 v.)
19 LELAND YEE,)
20 Defendant.)
21

22 I, Leland Yee, and the United States Attorney’s Office for the Northern District of California
23 (hereafter “the government”) enter into this written plea agreement (the “Agreement”) pursuant to Rule
24 11(c)(1)(A) and 11(c)(1)(B) of the Federal Rules of Criminal Procedure:

25 **The Defendant’s Promises**

26 1. I agree to plead guilty to Count Two of the captioned Second Superseding Indictment
27 charging me with conspiracy to conduct and participate in the affairs of an enterprise through a pattern
28 of racketeering activity, in violation of 18 U.S.C. § 1962(d). I agree that the elements of the offense are

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1 as follows: (1) I knowingly and intentionally agreed with another person to participate in the conduct of
 2 the affairs of an enterprise through a pattern of racketeering activity and that a conspirator committed or
 3 would commit at least two acts of racketeering in the conduct of the affairs of the enterprise; (2) the
 4 racketeering enterprise was established; (3) I was associated with the enterprise; and (4) the
 5 racketeering enterprise or its activities affected or would affect interstate commerce.

6 I agree that the maximum penalties for a violation of 18 U.S.C. § 1962(d) are as follows:

- | | | | |
|----|----|---|--|
| 7 | a. | Maximum prison term: | 20 years |
| 8 | b. | Maximum fine: | \$250,000 or twice the gross gain
or loss, whichever is greater |
| 9 | | | |
| 10 | c. | Maximum supervised release term | 3 years |
| 11 | d. | Restitution to any identifiable victims | |
| 12 | e. | Mandatory special assessment | \$100 |
| 13 | f. | Potential Deportation | |
| 14 | g. | Forfeiture | See ¶ 11 |

15 I acknowledge that pleading guilty may have consequences with respect to my immigration
 16 status if I am not a citizen of the United States. Under federal law, a broad range of crimes are
 17 removable offenses, including the offense to which I am pleading guilty. Removal and other
 18 immigration consequences are the subject of a separate proceeding, however, and I understand that no
 19 one, including my attorney or the district court, can predict to a certainty the effect of this conviction on
 20 my immigration status. I nevertheless affirm that I want to plead guilty regardless of any immigration
 21 consequences that may result from my guilty plea, even if the consequence is my automatic removal
 22 from the United States.

23 2. I agree that I am guilty of the offense to which I am pleading guilty, and I agree that the
 24 following facts are true:

25 From 2011 through at least March 2014, an enterprise, hereafter referred to as "the Campaign,"
 26 existed that consisted of the Leland Yee for Mayor 2011 campaign and the Leland Yee for Secretary of
 27 State 2014 campaign. During the relevant time frame, I was an elected State Senator for the Eighth
 28

1 Senate District in California, which included San Mateo County and part of San Francisco County. The
2 Campaign was formed to finance and support my campaign for the position of mayor of San Francisco
3 in the election to be held in November 2011 and my campaign for the position of California Secretary of
4 State in the election to be held in 2014. The Campaign had common employees, consultants,
5 contributors, and structure. The Campaign's members and associates operated in the City and County of
6 San Francisco, in the City of Sacramento, throughout the state of California, and elsewhere, and its
7 activities affected other parts of the United States outside California. The Campaign and its members
8 and associates engaged in legal fundraising and campaign activities, as well as raising money through
9 illegal activities.

10 Since at least 2011 and continuing through at least March 26, 2014, I was the candidate running
11 for office and was a member of and associated with the Campaign. I associated with members and other
12 individuals associated with the Campaign, including Keith Jackson, who acted as a consultant to, and
13 fundraiser for, the Campaign. I participated in legal fundraising and campaign activities on behalf of the
14 Campaign. I also agreed with Keith Jackson to conduct and participate in the conduct of the affairs of
15 the Campaign through a pattern of racketeering activity. I agree that Keith Jackson and I committed at
16 least two acts of racketeering in the conduct of the affairs of the Campaign.

17 In furtherance of my association with the Campaign members and other individuals associated
18 with the Campaign, including Keith Jackson, and the conspiracy to conduct and participate in the affairs
19 of an enterprise through a pattern of racketeering activity, I engaged in a number of overt acts, including
20 the following:

- 21 • On or about October 18, 2012, while I was located in the Northern District of California,
22 I spoke on the telephone with an individual whom I understood to be an employee of the
23 California Department of Public Health who was considering a grant for the business
24 client of a second individual. I subsequently learned that this individual was an
25 undercover employee of the FBI, UCE 4138. A second individual, who was also an FBI
26 undercover employee (UCE 4773) and was located in Georgia, was also on the phone
27 during the call. I spoke to the purported Public Health Department employee, UCE 4138,
28

1 in my capacity as State Senator and recommended that the employee consider UCE
2 4773's client for the grant. I engaged in this call, and also signed a letter on California
3 State letterhead on behalf of the client, in exchange for a \$10,000 donation from
4 UCE4773 to retire the debt from my San Francisco mayoral campaign. I know that Keith
5 Jackson subsequently accepted \$10,000 cash as payment for the telephone call and letter.
6 This constituted honest services wire fraud in violation of Title 18, United States Code,
7 Sections 1343 and 1346.

- 8 • Between on or about November 2012 and March 2013, I agreed with Keith Jackson to
9 provide a certificate on California State Senate letterhead honoring the Chee Kung Tong.
10 I caused the certificate to be prepared and presented by a staff member of one of my
11 Senate district offices at an event held by the Chee Kung Tong on March 29, 2013. I
12 provided the certificate in exchange for a \$6,800 donation from an individual whom I
13 now know was another undercover employee of the FBI, UCE 4599, to my Secretary of
14 State campaign. This constituted honest services wire fraud conspiracy in violation of
15 Title 18, United States Code, Sections 1343, 1346, and 1349.
- 16 • On or about March 2, 2013, I had a telephone conversation with Keith Jackson during
17 which we agreed to a conspiracy and plan to extort and obtain money and campaign
18 donations from an individual who had an interest in pending legislation involving the
19 California State Athletic Commission. At my instruction, my co-conspirator then spoke
20 with that individual and led that individual to believe that I would vote against the
21 legislation unless campaign support was forthcoming from that individual and others who
22 had an interest in the passage of the legislation. This constituted conspiracy to obtain
23 property under color of official right in violation of Title 18, United States Code, Section
24 1951(a).
- 25 • On or about June 22, 2013, I accepted payment of a bribe in \$11,000 in cash from an
26 individual I now know was another FBI undercover employee, UCE 4180, knowing that
27 it was in exchange for a meeting that Keith Jackson and I agreed to arrange with another
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1 State Senator so that UCE 4180 could discuss his purported interest in statewide
2 marijuana legislation. I arranged for, and attended the meeting, in my capacity as State
3 Senator and colleague of the other State Senator. This constituted honest services wire
4 fraud conspiracy in violation of Title 18, United States Code, Sections 1343, 1346, and
5 1349.

- 6 • Between on or about May 2013 and July 2013, Keith Jackson and I agreed to a plan
7 whereby we would lead UCE 4180 and his purported friend, the owner of an NFL team,
8 to believe that my vote on pending legislation on workers compensation for professional
9 athletes was critical and I was undecided. We agreed to represent to UCE 4180 that if his
10 friend provided a contribution to my Secretary of State campaign, I would vote on the
11 legislation in a manner that was favorable to the friend's interests. This constituted
12 conspiracy to obtain property under color of official right in violation of Title 18, United
13 States Code, Section 1951(a).
- 14 • On or about March 11, 2014, I met with Keith Jackson, Wilson Lim, and UCE 4599 and
15 discussed UCE 4599 purchasing weapons from the Philippines to import into the United
16 States. Keith Jackson and I arranged the meeting with the intention that UCE 4599
17 would be able to utilize introductions and arrangements from me, Keith Jackson, and
18 Wilson Lim to purchase weapons, firearms and arms from other individuals in the
19 Philippines. UCE 4599 said that he wanted automatic weapons and discussed with us
20 that he wanted to transport the weapons from the Philippines to the Port of Newark, New
21 Jersey, and then distribute the weapons to others. This constituted a conspiracy to
22 knowingly import and bring into the United States any firearm and ammunition in
23 violation of Title 18, United States Code, Sections 371 and 922(l).
- 24 • On or about March 14, 2014, I received \$6,800 in cash from UCE 4599. I provided the
25 money to Keith Jackson knowing that he would arrange to exchange the cash for one or
26 more checks made payable to my Secretary of State campaign. This constituted
27 conspiracy to commit money laundering, in violation of Title 18, United States Code,
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1 Section1956(h).

2 3. I agree to give up all rights that I would have if I chose to proceed to trial, including the
3 rights to a jury trial with the assistance of any attorney; to confront and cross-examine government
4 witnesses; to remain silent or testify; to move to suppress evidence or raise any other Fourth or Fifth
5 Amendment claims; to any further discovery from the government; and to pursue any affirmative
6 defenses and present evidence.

7 4. I agree to give up my right to appeal my conviction, the judgment, and orders of the
8 Court. I also agree to waive any right I have to appeal any aspect of my sentence, including any orders
9 relating to forfeiture and or restitution. I also agree to give up any right I may have to appeal my
10 sentence, except that I reserve my right to appeal an upward departure from the Guideline imprisonment
11 range determined by the Court.

12 5. I agree not to file any collateral attack on my conviction or sentence, including a petition
13 under 28 U.S.C. § 2255 or 28 U.S.C. § 2241, except that I reserve my right to claim that my counsel was
14 ineffective in connection with the negotiation of this Agreement or the entry of my guilty plea. I also
15 agree not to seek relief under 18 U.S.C. §3582.

16 6. I agree not to ask the Court to withdraw my guilty plea at any time after it is entered. I
17 understand that by entering into this Agreement: (a) I agree that the facts set forth in Paragraph 2 of this
18 Agreement shall be admissible against me under Fed. R. Evid. 801(d)(2)(A) in any subsequent
19 proceeding, including at trial, in the event I violate any of the terms of this Agreement, and (b) I
20 expressly waive any and all rights under Fed. R. Crim. 11(f) and Fed. R. Evid. 410 with regard to the
21 facts set forth in Paragraph 2 of this Agreement in such subsequent proceeding. I understand that the
22 government will not preserve any physical evidence obtained in this case.

23 7. I agree that the Court will consider the Sentencing Guidelines to calculate my sentence. I
24 understand that the Court must consult the Guidelines and take them into account when sentencing,
25 together with the factors set forth in 18 U.S.C. § 3553(a). I also understand that the Court is not bound
26 by the Guidelines calculations submitted by my counsel, the government, or the United States Probation
27 Office or by any agreements herein regarding the calculation of the Guidelines. I understand that the

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1 Court may conclude that a lower or higher Guidelines range applies to me, and, if it does, I will not be
2 entitled, nor will I ask to withdraw my guilty plea. I agree that regardless of the sentence that the Court
3 imposes on me, I will not be entitled, nor will I ask, to withdraw my guilty plea. The United States and I
4 have reached no agreement as to my Criminal History Category or the applicable sentencing guidelines
5 calculations in this matter, with the exceptions as follows:

6 (a) the enhancement pursuant to U.S.S.G. § 2K2.1(b)(3)(A) does not apply in the instant case;

7 (b) the enhancement pursuant to U.S.S.G. § 3B1.1 does not apply in the instant case; and

8 (c) if I meet the requirements of U.S.S. G.§ 3E1.1, I may be entitled to a three level reduction
9 for acceptance of responsibility, provided that I forthrightly admit my guilt, cooperate with the Court
10 and the Probation Office in any presentence investigation ordered by the Court, and continue to manifest
11 an acceptance of responsibility through and including the time of sentencing.

12 As part of this agreement, the government and I agree that the parties may recommend a variance
13 from the applicable sentencing guideline range pursuant to 18 U.S.C. § 3553(a), if applicable. Each
14 party is free to recommend, without limitation, the sentence that the party determines to be appropriate
15 pursuant to the provisions of Section 3553(a).

16
17 8. I agree that regardless of any other provision of this Agreement, the government may and
18 will provide the Court and the Probation Office with all information relevant to the charged offense and
19 the sentencing decision. I agree that, based on the nature of the offense, the Court should impose the
20 following special condition of supervised release which is reasonably related to deterrence and
21 rehabilitation:

22 Special Condition (Searches)

23 The defendant shall submit his person, residence, office, vehicle, or any
24 property under his control to a search. Such a search shall be conducted by a
25 United States Probation Officer or any federal, state, or local law enforcement
26 officer at any time with or without suspicion. Failure to submit to such a search
may be grounds for revocation; the defendant shall warn any residents that the
premises may be subject to searches.

27 9. I agree that any fine, forfeiture, or restitution imposed by the Court against me will be

1 immediately due and payable and subject to immediate collection by the government and I understand
2 that the government may seek immediate collection of the entire fine, forfeiture, or restitution from any
3 assets without regard to any schedule of payments imposed by the Court or established by the Probation
4 Office. I agree that I will make a good-faith effort to pay any fine, forfeiture, or restitution I am ordered
5 to pay. Before or after sentencing, I will upon request of the Court, the government, or the Probation
6 Office, provide accurate and complete financial information, submit sworn statements and give
7 depositions under oath concerning my assets and my ability to pay, surrender assets I obtained as a result
8 of my crimes, and release funds and property under my control in order to pay any fine, forfeiture, or
9 restitution. I agree to pay the special assessment at the time of sentencing.

10 10. I agree not to commit or attempt to commit any crimes before sentence is imposed or
11 before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial release; not
12 to intentionally provide false information to the Court, the Probation Office, Pretrial Services, or the
13 government; and not to fail to comply with any of the other promises I have made in this Agreement. I
14 agree that if I fail to comply with any promises I have made in this Agreement, then the government will
15 be released from all of its promises in this Agreement, including those set forth in the Government's
16 Promises Section below, but I will not be released from my guilty plea.

17 11. I understand that the following items are listed in the Second Superseding Indictment. I
18 claim to have no interest in these items and do not oppose the forfeiture of the following property
19 (hereinafter "subject property"):

20 (1) \$6,066.00 seized from 1370 24th Ave., San Francisco, CA on March 26, 2014; and

21 (2) \$27,400.00 in U.S. Currency, seized on February 18, 2015, from bank account number
22 XXXXXX2825 held in the name of Leland Yee for Secretary of State 2014, at Wells Fargo Bank, San
23 Francisco, California.

24 I agree not to assert any claims on or contest any forfeiture of any other items listed in the
25 Second Superseding Indictment as subject property. I agree that the subject property is forfeitable to the
26 United States pursuant to the provisions of 18 U.S.C. § 1963, the procedures outlined in Rule 32.2 of the
27 Federal Rules of Criminal Procedure, and 21 U.S.C. § 853. I claim no right, title, and interest I may
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1 have in the subject property and agree that such right, title, and interest can be forfeited to the United
2 States without further notice to me. I also agree I will not contest any administrative or judicial
3 forfeiture proceeding (whether criminal, civil, state or federal) which may be brought against said
4 property. I further agree to waive all constitutional and statutory challenges in any manner (including
5 direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this
6 Agreement on any ground, including that the forfeiture constitutes an excessive fine or punishment or
7 that the forfeiture proceeding was brought in violation of any statute of limitations.

8 12. I agree that this Agreement contains all of the promises and agreements between the
9 government and me, and I will not claim otherwise in the future. No modification of this Agreement
10 shall be effective unless it is in writing and signed by all parties.

11 13. I agree that the Agreement binds the U.S. Attorney's Office for the Northern District of
12 California only, and does not bind any other federal, state, or local agency.

13 **The Government's Promises**

14 14. The government agrees to move to dismiss any open charges pending against the
15 defendant in the captioned Second Superseding Indictment at the time of sentencing.

16 15. The government agrees not to file any additional charges against the defendant that could
17 be filed as a result of the investigation that led to the captioned Second Superseding Indictment.

18 **The Defendant's Affirmations**

19 16. I confirm that I have had adequate time to discuss this case, the evidence, and the
20 Agreement with my attorney and that my attorney has provided me with all the legal advice that I
21 requested.

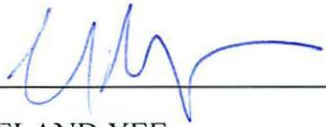
22 17. I confirm that the while I considered signing this Agreement, and at the time I signed it, I
23 was not under the influence of any alcohol, drug, or medicine that would impair my ability to understand
24 the Agreement.

25 18. I confirm that my decision to enter a guilty plea is made knowing the charges that have
26 been brought against me, any possible defense, and the benefits and possible detriments of proceeding to
27 trial. I also confirm that my decision to plead guilty is made voluntarily, and no one coerced or
28

1 threatened me to enter into this Agreement.

2
3 Dated: _____

7/1/15



4 LELAND YEE
5 Defendant

6 MELINDA HAAG
7 United States Attorney

8 Dated: _____

July 1, 2015

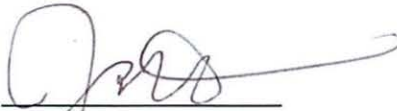


9 WILLIAM FRENTZEN
10 SUSAN E. BADGER
11 S. WAQAR HASIB
12 Assistant United States Attorneys

13 21. I have fully explained to my client all the rights that a criminal defendant has and all the
14 terms of this Agreement. In my opinion, my client understands all the terms of this Agreement and all
15 the rights my client is giving up by pleading guilty, and, based on the information now known to me, my
16 client's decision to plead guilty is knowing and voluntary.

17 Dated: _____

7/1/15



18 JAMES A. LASSART
19 NICHOLAS C. LARSON
20 Attorneys for Defendant
21 LELAND YEE