

1 KAREN P. HEWITT
 United States Attorney
 2 JOSEPH K. WHEATLEY
 ROBERT S. TULLY
 3 GAVIN A. CORN
 Special Assistant U.S. Attorneys
 4 Trial Attorneys, U.S. Department of Justice
 Federal Office Building
 5 880 Front Street
 San Diego, California 92101-8893
 6 Telephone: (619) 557-6882, c/o Stephanie Delgadillo
 7 Attorneys for Plaintiff
 United States of America
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9 UNITED STATES DISTRICT COURT
 10 SOUTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) Criminal Case No. 07-CR-1312-JAH
)
 12 Plaintiff,)
)
 13 v.)
) PLEA AGREEMENT
 14 PHUONG QUOC TRUONG (1),)
)
 15 aka "Pai Gow" John,)
)
 16 aka John Truong,)
)
 17 Defendant.)
)
)

18 IT IS HEREBY AGREED between the plaintiff, UNITED STATES OF
 19 AMERICA, through its counsel, KAREN P. HEWITT, United States Attorney,
 20 and Joseph K. Wheatley, Robert S. Tully and Gavin A. Corn, Special
 21 Assistant United States Attorneys and Department of Justice Trial
 22 Attorneys, and defendant, PHUONG QUOC TRUONG, with the advice and
 23 consent of Armon Haddad, counsel for defendant, as follows:

24 I.

25 THE PLEA

26 Defendant agrees to plead guilty to Count One of the Indictment
 27 in Criminal Case No. 07-CR-1312-JAH charging defendant with knowingly
 28 and intentionally conspiring to conduct and participate in the conduct

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Def. Initials mmj

1 of the affairs of an enterprise, namely the Tran Organization, that
2 engaged in, and the activities of which affected interstate and
3 foreign commerce, in a pattern of racketeering as defined in Title 18,
4 United States Code, Sections 1961(1) and 1961(5), in violation of
5 Title 18, United States Code, Sections 1962(d) and (c). The
6 racketeering acts included:

7 A. Multiple acts involving the following provisions of state
8 law:

9 1. Gambling, in violation of Indiana Code 4-33-10-2 and
10 35-50-2-7; Nevada Revised Statutes 465.070, 465.083, 465.088;
11 Mississippi Code Sections 75-76-301, 75-76-303, 75-76-307, 75-76-311;
12 Louisiana Revised Statutes Section 14:67:18; California Penal Code
13 Sections 332, 487, 489; Connecticut Penal Code Sections 53a-127d,
14 53a-35a; and Washington Penal Code Sections 9A.46.196, 9.46.1961,
15 9A.20.021;

16 2. Bribery, in violation of Indiana Code Sections
17 4-33-10-2 and 35-50-2-7; California Penal Code Section 641.3;
18 Connecticut Penal Code Sections 53a-160 and 53a-35a; Nevada Revised
19 Statutes 465.070; and Washington Criminal Code Sections 9A.68.060 and
20 9A.20.021;

21 B. Multiple acts indictable under the following provisions of
22 federal law:

23
24 1. Traveling in interstate and foreign commerce, and using
25 a facility in interstate and foreign commerce, in aid of racketeering,
26 in violation of Title 18, United States Code, Section 1952;

27 2. Laundering monetary instruments, in violation of Title
28 18, United States Code, Section 1956;

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1 3. Engaging in monetary transactions in property derived
2 from specified unlawful activity, in violation of Title 18, United
3 States Code, Section 1957;

4 4. Obstruction of a criminal investigation, in violation
5 of Title 18, United States Code, Section 1510;

6 5. Tampering with a witness, in violation of Title 18,
7 United States Code, Section 1512;

8 6. Wire fraud, in violation of Title 18, United States
9 Code, Section 1343;

10 7. Transporting, transmitting, and transferring in
11 interstate and foreign commerce money of a value of \$5,000 and more,
12 knowing the same to have been stolen, converted, and taken by fraud,
13 in violation of Title 18, United States Code, Section 2314; and

14 8. Receiving, possessing, concealing, storing, and
15 disposing of money of the value of \$5,000 and more, which money
16 crossed a State or United States boundary after being stolen,
17 unlawfully converted, and taken, knowing the same to have been stolen,
18 unlawfully converted, and taken, in violation of Title 18, United
19 States Code, Section 2315.

20 In addition, defendant consents to the forfeiture allegation of
21 the Indictment and defendant understands that he is jointly and
22 severally liable for the entire amount of gross proceeds generated by
23 the conspiracy in Count One of the Indictment in Criminal Case No. 07-
24 CR-1312-JAH. Defendant agrees to the immediate entry of a personal
25 money judgement against him in the amount of \$2,791,146, which shall
26 be by way of the entry of a Preliminary Order of Forfeiture.
27 Defendant further agrees that upon entry of the preliminary order,
28 such order will be considered final as to his interests, and that such

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Def. Initials pmw

1 order will be subject to the provisions of Title 18, United States
2 Code, Section 1963(m) and Title 21, United States Code, Section
3 853(p), forfeiture of substitute property.

4 In partial satisfaction of the \$2,791,146 personal money
5 judgement, defendant agrees to forfeit all right, title, and interest
6 in the following assets, which are properties constituting and derived
7 from proceeds obtained, directly and indirectly, from racketeering
8 activity, in violation of Title 18, United States Code, Section 1962,
9 and/or that such property afforded the defendant a source of influence
10 over the Tran Organization during the course of the conspiracy to
11 which he is pleading guilty, which property is subject to forfeiture
12 to the United States pursuant to Title 18, United States Code, Section
13 1963(a)(2), (3):

- 14 1. Approximately \$12,957 in U.S. currency.
- 15 2. 1361 Surfwood Lane, San Diego, California, owned and
16 used by defendant and Van Thu Tran.
- 17 3. 10503 Laurel Path, Escondido, California, owned and
18 used by defendant and Van Thu Tran.
- 19 4. 2001 Porsche Carrera 911 VIN WP0AB29941S685265,
20 registered to defendant.
- 21 5. 2007 Toyota Tacoma Truck, VIN 5TEJU62N97Z342528,
22 registered to defendant.
- 23 6. 2002 Dodge Ram Van, VIN 2B6HB11Y22K135915, registered
24 to defendant.
- 25 7. Rolex Presidential watch, owned by defendant.
- 26 8. White gold ring with one 3.00 carat diamond and 28
27 tapered baguettes of 1.00 total carat weight, owned by defendant.

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Def. Initials mmf

1 9. White gold Mercedes logo pendant with one 2.09 carat
2 diamond and 104 diamonds of 2.00 total carat weight and a 20 inch gold
3 chain, owned by defendant.

4 10. Property owned by defendant in Vietnam, but held in the
5 name of a relative of Van Thu Tran, of an approximate value of
6 \$50,000. Defendant agrees to sell this property at fair market value
7 and to forward the proceeds for forfeiture in accordance with
8 instructions from the Internal Revenue Service before sentencing in
9 this case.

10 11. Property with a house, located at address # 4-114 Duong
11 Vinh Chau, TX-Bac Lieu Tinh Bac Lieu, in Bac Lieu, Vietnam; owned by
12 defendant, but held in the name of a relative of Van Thu Tran, of an
13 approximate value of \$125,000. Defendant agrees to sell this property
14 at fair market value and to forward the proceeds for forfeiture in
15 accordance with instructions from the Internal Revenue Service before
16 sentencing in this case.

17 Defendant further agrees that, before the parties execute this
18 plea agreement, defendant shall provide to the United States, under
19 penalty of perjury, a financial disclosure form listing all of his
20 assets and financial interests valued at more than \$1,000. Defendant
21 understands that these assets and financial interest include all
22 assets and financial interests in with defendant has an interest or
23 had an interest prior to July 31, 2006, direct or indirect, whether
24 held in defendant's own name or in the name of another, in any
25 property, real or personal. Defendant further represents that the
26 financial disclosure form at Exhibit No. 1 is the complete listing of
27 defendant's assets and financial interests. Defendant shall also
28 disclose all assets valued at more than \$5,000, which have been

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Def. Initials

1 transferred to third parties since July 31, 2006, including the
2 location of the assets and the identify of the third party(ies).

3 If the information disclosed by defendant relating to his assets
4 and financial interests in not complete and truthful, the government
5 may pursue all available forfeiture remedies.

6 Defendant agrees to submit to a polygraph examination to test the
7 truthfulness of defendant's disclosures, upon request by the
8 government.

9 The government agrees to move to dismiss the remaining charges
10 in Criminal Case No. 07-CR-1312-JAH when defendant is sentenced.

11 Defendant also agrees to plead guilty to Count One of the
12 Indictment in Criminal Case No. 06-CR-05136, currently pending in the
13 United States District Court in the Western District of Washington,
14 which charges that defendant did knowingly and willfully conspire,
15 confederate and agree with other each other and other persons known
16 and unknown to the Grand Jury, to steal moneys of a value in excess
17 of \$1,000 from a gaming establishment operated by and for an Indian
18 tribe pursuant to an ordinance or resolution approved by the National
19 Indian Gaming Commission, in violation of Title 18, United States
20 Code, Section 371 and 1167(b). Defendant agrees that he will consent
21 to transfer of Criminal Case No. 06-CR-05136 to the Southern District
22 of California pursuant to Federal Rule of Criminal Procedure 20.

23 The government agrees to move to dismiss the remaining charges
24 in Criminal Case No. 06-CR-05136 when defendant is sentenced.

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II.

NATURE OF THE OFFENSE

A. ELEMENTS EXPLAINED - 18 U.S.C. § 1962(d)

Defendant understands that one of the offenses to which he is pleading guilty (Title 18, United States Code, Section 1962(d)) has the following elements:

1. The defendant was employed by or associated with an enterprise, that is, a group of individuals associated in fact, as defined within the meaning of Title 18, United States Code, Section 1961(4);

2. The enterprise engaged in or its activities in some way affected commerce between one state and another state, or between a state or the United States and a foreign country;

3. The defendant knowingly agreed with at least one other person to conduct or participate in the conduct of the enterprise's affairs through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and (5). That is, the defendant agreed to participate in the enterprise with the knowledge and intent that at least one member of the RICO conspiracy (which could be the defendant himself) would commit at least two racketeering acts described above in Section I.

4. The defendant and his coconspirators acquired no less than \$2,791,146 in proceeds from the offense in Count One to which he is pleading guilty, and defendant used the proceeds to purchase the property listed in Section I of this Agreement.

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1 B. ELEMENTS EXPLAINED - 18 U.S.C. § 371

2 Defendant understands that one of the offenses to which he is
3 pleading guilty (Title 18, United States Code, Section 371) has the
4 following elements:

5 1. During the time-frame alleged in the indictment, there
6 was an agreement between two or more persons to commit at least one
7 crime as charged in the indictment;

8 2. The defendant became a member of the conspiracy knowing
9 of at least one of its objects and intending to help accomplish it;
10 and

11 3. One of the members of the conspiracy performed at least
12 one overt act for the purpose of carrying out the conspiracy.

13 C. ELEMENTS EXPLAINED - 18 U.S.C. § 1167(b)


14 Defendant understands that one of the offenses to which he is
15 pleading guilty (Title 18, United States Code, Section 371) is a
16 conspiracy to commit an offense against the United States, to wit, an
17 offense of Theft of Funds from a Gaming Establishment on Tribal Lands
18 (Title 18, United States Code, Section 1167(b), which has the
19 following elements:

20 1. The defendant knowingly and willfully stole, embezzled,
21 misapplied, took or carried away money or property of value with the
22 intention of depriving the owner of the use or benefit of the money
23 or property of value;

24 2. The money or property of value belonged to a gaming
25 establishment operated by or for or licensed by an Indian tribe
26 pursuant to an ordinance or resolution approved by the National Indian
27 Gaming Commission; and

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Def. Initials 

1 3. The value of the money or property was more than
2 \$1,000.

3 D. ELEMENTS UNDERSTOOD AND ADMITTED - FACTUAL BASIS

4 Defendant has fully discussed the facts of this case with defense
5 counsel. Defendant has committed each of the elements of the crime,
6 and admits that there is a factual basis for this guilty plea. The
7 following facts are true and undisputed:

8 1. By in or about August 2002, defendant with
9 coconspirators Van Thu Tran, Tai Khiem Tran, and others, created a
10 criminal enterprise, which was an association in fact of individuals
11 defined in the Indictment as the "Tran Organization," based in San
12 Diego, California, and elsewhere, for the purpose of participating in
13 gambling cheats at casinos across the United States.

14 2. On numerous occasions between in or about August 2002
15 through in or about July 2006, defendant cheated at gambling together
16 with the other members of the Tran Organization at casinos in several
17 states, including California, Indiana, Louisiana, Mississippi,
18 Connecticut, and Washington, in violation of state laws. With respect
19 to casinos located outside California, defendant traveled from San
20 Diego, California, across state lines, in order to cheat at gambling
21 together with other coconspirators in those states.

22 **Cache Creek Indian Bingo and Casino, Brooks, California**

23 3. For instance, in or about December 2002, defendant and
24 coconspirator Van Thu Tran offered to pay card dealers at the Cache
25 Creek Indian Bingo and Casino, in Brooks, California, to perform false
26 shuffles during mini-baccarat games at the casino.

27 4. On or about March 9, 2003, defendant and his
28 coconspirators caused a card dealer, whose initials are O.K., to

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Def. Initials PKM

1 perform a false shuffle at mini-baccarat table #81, at the Cache Creek
2 Casino, creating a slug of approximately thirty cards, that enabled
3 defendant and coconspirators Van Thu Tran, Son Hong Johnson, and Han
4 Truong Nguyen to execute the card-cheating scheme and take
5 approximately \$2,497 from the casino.

6 5. On or about March 10, 2003, defendant and his
7 coconspirators caused a card dealer, whose initials are L.K., to
8 perform a false shuffle at mini-baccarat table #50, at the Cache Creek
9 Casino, creating a slug of approximately thirty-five cards, that
10 enabled defendant and coconspirators Van Thu Tran, Song Hong Johnson,
11 and Han Truong Nguyen to execute the card-cheating scheme and take
12 approximately \$8,271 from the casino.

13 6. On or about March 18, 2003, defendant and his
14 coconspirators caused a card dealer, whose initials are S.M., to
15 perform a false shuffle at mini-baccarat table #48, at the Cache Creek
16 Casino, creating a slug of approximately fifty-one cards, that enabled
17 defendant and at least one other unidentified coconspirator to execute
18 the card-cheating scheme and take approximately \$28,534 from the
19 casino.

20 7. On or about March 25, 2003, defendant and his
21 coconspirators caused card dealer S.M. to perform a false shuffle at
22 mini-baccarat table #51, at the Cache Creek Casino, creating a slug
23 of approximately forty-six cards, that enabled defendant and
24 coconspirator Son Hong Johnson and other unidentified coconspirators
25 to execute the card-cheating scheme and take approximately \$32,288
26 from the casino.

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1 Emerald Queen Casino, Tacoma, Washington

2 8. On or about September 15, 2003, defendant and
3 coconspirators Son Hong Johnson, Han Truong Nguyen, and at least one
4 other coconspirator flew from San Diego, California, to Seattle,
5 Washington, aboard an Alaska Airlines flight, for the purpose of
6 executing the card-cheating scheme at the Emerald Queen Casino, in
7 Tacoma, Washington.

8 9. On or about September 17, 2003, defendant purchased
9 gambling chips for approximately \$10,000 at the Emerald Queen Casino.

10 10. On or about September 17, 2003, defendant caused
11 coconspirator Martin Lee Aronson to track the order of cards as they
12 were dealt at mini-baccarat tables #1 and #3, at the Emerald Queen
13 Casino, in preparation for executing the card-cheating scheme.


14 11. On or about September 17, 2003, defendant and his
15 coconspirators caused a card dealer, whose initials are P.N., to
16 perform a false shuffle at mini-baccarat table #3, at the Emerald
17 Queen Casino, creating a slug that enabled defendant and his
18 coconspirator Martin Lee Aronson to execute the card-cheating scheme
19 and take approximately \$72,000 from the casino.

20 12. On or about September 17, 2003, defendant and his
21 coconspirators caused a card dealer, whose initials are T.S., to
22 perform a false shuffle at mini-baccarat table #1, at the Emerald
23 Queen Casino, creating a slug that enabled defendant and coconspirator
24 Martin Lee Aronson to execute the card-cheating scheme and take
25 approximately \$37,500 from the casino.

26 13. On or about September 17, 2003, defendant cashed out
27 gambling chips for approximately \$100,080 at the Emerald Queen Casino.

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Def. Initials 

1 14. At the time of defendant and his coconspirators'
2 criminal activity, Emerald Queen Casino was a gaming establishment
3 operated by and for, and licensed by, an Indian Tribe pursuant to an
4 ordinance and resolution approved by the National Indian Gaming
5 Commission.

6 **Beau Rivage Casino, Biloxi, Mississippi**

7 15. On or about September 2004, defendant caused a
8 coconspirator, whose initials are J.O., to recruit a Beau Rivage
9 Casino, Biloxi, Mississippi, card dealer, whose initials are S.N., to
10 perform false shuffles.


11 16. On or about October 7, 2004, defendant purchased
12 gambling chips for approximately \$21,500 at the Beau Rivage Casino.

13 17. On or about October 7, 2004, defendant and his
14 coconspirators caused a card dealer, whose initials are J.R., to
15 perform a false shuffle at blackjack table #17, pit #1, at the Beau
16 Rivage Casino, creating a slug of approximately twenty-four cards,
17 that enabled defendant and coconspirators Son Hong Johnson, Van Thu
18 Tran, George Michael Lee, and other coconspirators to execute the
19 card-cheating scheme and take approximately \$16,200 from the casino.

20 18. On or about October 7, 2004, defendant cashed out
21 gambling chips for approximately \$35,500 at the Beau Rivage Casino.

22 19. On or about February 4, 2005, defendant and his
23 coconspirators caused card dealer S.N. to perform a false shuffle at
24 blackjack table #13, pit #1, at the Beau Rivage Casino, creating a
25 slug of approximately fifty-one cards, that enabled defendant and
26 coconspirators Tien Duc Vu, Phat Ngoc Tran, Willy Tran, and other
27 coconspirators to execute the card-cheating scheme and take
28 approximately \$56,100 from the casino.

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Def. Initials 

1 20. On or about December 17, 2005, defendant telephoned
2 card dealer S.N. and offered to bribe S.N. by paying S.N. \$15,000 to
3 \$20,000 to perform false shuffles at a casino in the Gulf Coast,
4 Mississippi area.

5 **Foxwoods Resort Casino, Ledyard, Connecticut**

6 21. On or about early January 2005, defendant caused
7 coconspirator Phat Ngoc Tran to meet with a Foxwoods Casino, Ledyard,
8 Connecticut card dealer, whose initials are J.F., to bribe him by
9 paying J.F. \$500 in cash and telling J.F. that he wanted J.F. to work
10 for him.


11 22. On or about the next day in early January 2005, in the
12 presence of defendant and coconspirators Willy Tran and Tuan Mong Le,
13 coconspirator Phat Ngoc Tran demonstrated the false shuffle to card
14 dealer J.F. in a hotel room.

15 23. On or about March 24, 2005, at approximately 9:27 p.m.,
16 defendant and his coconspirators caused coconspirator Barry Wellford,
17 a dealer at Foxwoods Casino, to perform a false shuffle at blackjack
18 table #16, pit #20, creating a slug of approximately sixty-eight
19 cards, that enabled coconspirator Duc Cong Nguyen to execute the card-
20 cheating scheme and take approximately \$91,100 from the casino.

21 24. On or about March 26, 2005, at approximately 10:12
22 p.m., defendant and his coconspirators caused card dealer J.F. to
23 perform a false shuffle at blackjack table #12, pit #20, at Foxwoods
24 Casino, creating a slug of approximately ninety-two cards, that
25 enabled coconspirator Han Truong Nguyen to execute the card-cheating
26 scheme and take approximately \$29,000 from the casino.

27 25. On or about March 28, 2005, at approximately 9:32 p.m.,
28 defendant and his coconspirators caused card dealer J.F. to perform

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Def. Initials 

1 a false shuffle at blackjack table #6, pit #20, at Foxwoods Casino,
2 creating a slug of approximately eighty-one cards, that enabled
3 coconspirator Han Truong Nguyen to execute the card-cheating scheme
4 and take approximately \$68,000 from the casino.

5 26. On or about March 31, 2005, at approximately 11:03
6 p.m., defendant and his coconspirators caused coconspirator Barry
7 Wellford to perform a false shuffle at blackjack table #23, pit #20,
8 at Foxwoods Casino, creating a slug of approximately seventy-six
9 cards, that enabled coconspirator Son Hong Johnson to execute the
10 card-cheating scheme and take approximately \$40,800 from the casino.


11 27. On or about April 4, 2005, at approximately 3:41 a.m.,
12 defendant and his coconspirators caused card dealer J.F. to performed
13 a false shuffle at blackjack table #11, pit #20, at Foxwoods Casino,
14 creating a slug of approximately fifty-nine cards, that enabled
15 coconspirator Tien Duc Vu to execute the card-cheating scheme and take
16 approximately \$21,000 from the casino.

17 28. On or about April 5, 2005, at approximately 2:54 a.m.,
18 defendant and his coconspirators caused coconspirator Barry Wellford
19 to perform a false shuffle at blackjack table #14, pit #20, at
20 Foxwoods Casino, creating a slug of approximately one hundred and
21 three cards, that enabled coconspirator Han Truong Nguyen to execute
22 the card-cheating scheme and take approximately \$50,000 from the
23 casino.

24 29. On or about April 5, 2005, at approximately 3:50 a.m.,
25 defendant and his coconspirators caused card dealer J.F. to perform
26 a false shuffle at blackjack table #11, pit #20, at Foxwoods Casino,
27 creating a slug of approximately eighty-nine cards, that enabled

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Def. Initials 

1 coconspirator Duc Cong Nguyen to execute the card-cheating scheme and
2 take approximately \$24,500 from the casino.

3 30. On or about April 15, 2005, at approximately 3:34 a.m.,
4 defendant and his coconspirators caused coconspirator Barry Wellford
5 to perform a false shuffle at blackjack table #11, pit #20, at
6 Foxwoods Casino, creating a slug of approximately eighty-six cards,
7 that enabled coconspirator Tuan Mong Le to execute the card-cheating
8 scheme and take approximately \$23,000 from the casino.


9 31. On or about April 16, 2005, at approximately 11:11
10 p.m., defendant and his coconspirators caused card dealer J.F. to
11 perform a false shuffle at blackjack table #7, pit #20, at Foxwoods
12 Casino, creating a slug of approximately seventy-eight cards, that
13 enabled coconspirator Tuan Mong Le to execute the card-cheating scheme
14 and take approximately \$60,500 from the casino.

15 32. On or about April 17, 2005, at approximately 3:48 a.m.,
16 defendant and his coconspirators caused coconspirator Barry Wellford
17 performed a false shuffle at blackjack table #23, pit #20, at Foxwoods
18 Casino, creating a slug of approximately one hundred cards, that
19 enabled coconspirator Tien Duc Vu to execute the card-cheating scheme
20 and take approximately \$52,300 from the casino.

21 33. On or about April 18, 2005, at approximately 1:54 a.m.,
22 defendant and his coconspirators caused coconspirator Barry Wellford
23 to perform a false shuffle at blackjack table #19, pit #20, at
24 Foxwoods Casino, creating a slug of approximately ninety-two cards
25 that enabled coconspirator Son Hong Johnson to execute the card-
26 cheating scheme and take approximately \$18,500 from the casino.

27 34. On or about April 19, 2005, at approximately 12:51
28 a.m., defendant and his coconspirators caused card dealer J.F. to

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Def. Initials 

1 perform a false shuffle at blackjack table #5, pit #20, at Foxwoods
2 Casino, creating a slug of approximately eighty-eight cards, that
3 enabled coconspirator Martin Lee Aronson to execute the card-cheating
4 scheme and take approximately \$66,200 from the casino.

5 **Resorts East Chicago Hotel and Casino, East Chicago, Indiana**

6 35. On or about October 22, 2005, defendant and his
7 coconspirators caused card dealer C.S. to perform a false shuffle at
8 mini-baccarat table #607, at Resorts East Chicago Casino, in East
9 Chicago, Indiana, creating a slug that enabled defendant and
10 coconspirators Son Hong Johnson and Martin Lee Aronson to execute the
11 card-cheating scheme and take approximately \$868,000 from the casino.

12 **Isle of Capri Casino, Westlake, Louisiana**

13 36. On or about June 15, 2006, defendant and coconspirators
14 Liem Thanh Lam, Barry Wellford, and Willy Tran drove from defendant's
15 house at 12911 Overglen Court, Houston, Texas, to Westlake, Louisiana,
16 for the purpose of executing the card-cheating scheme.

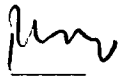
17 37. On or about June 15, 2006, just before midnight,
18 defendant and his coconspirators caused a card dealer, whose initials
19 are B.Y., to perform a false shuffle at blackjack table #201, at the
20 Isle of Capri Casino, in Westlake, Louisiana, in furtherance of the
21 card-cheating scheme.

22 **Gold Strike Casino Resort, Tunica, Mississippi**

23 38. On July 5, 2006, defendant and coconspirator Liem Thanh
24 Lam flew from San Diego, California, to Houston, Texas, aboard
25 Southwest Airlines, for the purpose of executing the false shuffle
26 card-cheating scheme at the Gold Strike Casino in Tunica, Mississippi.

27 39. On July 8, 2006, defendant and his coconspirators
28 caused a card dealer, whose initials are B.B., to perform a false

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1 shuffle at a blackjack table, at the Gold Strike Casino, creating a
2 slug that enabled defendant and coconspirators Son Hong Johnson, Phat
3 Ngoc Tran, Barry Wellford, Willy Tran, Liem Thanh Lam, and Martin Lee
4 Aronson to execute the card-cheating scheme and take money from the
5 casino.

6 40. On or about July 8, 2006, defendant instructed
7 coconspirator Phat Ngoc Tran to pay card dealer B.B. approximately
8 \$3,000 for participating in the false shuffle card-cheating scheme
9 executed at the Gold Strike Casino on or about July 8, 2006.

10 **Horseshoe Casino and Hotel, Tunica, Mississippi**

11 41. On or about April 26, 2006, defendant and his
12 coconspirators caused a card dealer, whose initials are L.M., to
13 perform a false shuffle at a blackjack table, at the Horseshoe Casino
14 and Hotel, in Tunica, Mississippi, creating a slug that enabled
15 defendant and coconspirators Liem Thanh Lam and Martin Lee Aronson to
16 execute the false shuffle card-cheating scheme and take money from the
17 casino.

18 42. On July 14, 2006, defendant flew from San Diego,
19 California, to Houston, Texas for the purpose of executing the false
20 shuffle card-cheating scheme at the Horseshoe Casino, in Tunica,
21 Mississippi.

22 43. On July 18, 2006, defendant and his coconspirators
23 caused card dealer L.M. to perform a false shuffle at a blackjack
24 table, at the Horseshoe Casino, creating a slug that enabled defendant
25 and coconspirators Son Hong Johnson, Phat Ngoc Tran, Barry Wellford,
26 Willy Tran, and Martin Lee Aronson to execute the card-cheating scheme
27 and take money from the casino.

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1 44. On or about July 19, 2006, defendant instructed
2 coconspirator Phat Ngoc Tran to pay card dealer L.M. approximately
3 \$500 for participating in the false shuffle card-cheating scheme
4 executed at the Horseshoe Casino on or about July 18, 2006.

5 **Sycuan Resort and Casino, El Cajon, California**

6 45. On or about July 10, 2006, defendant flew from Houston,
7 Texas, to San Diego, California, aboard Continental Airlines, for the
8 purpose of bribing two card dealers, whose initials are B.A. and J.N.,
9 to perform false shuffles for the card-cheating scheme at the Sycuan
10 Casino, in El Cajon, California.

11 46. On or about July 10, 2006, in San Diego, California,
12 defendant and coconspirator Martin Lee Aronson met with Sycuan Casino
13 dealers B.A. and J.N., and with other coconspirators, to promote and
14 plan the false shuffle card-cheating scheme at Sycuan Casino.


15 47. On or about July 14, 2006, defendant flew from San
16 Diego, California, to Houston, Texas, to obtain cash to be used in the
17 card-cheating scheme at the Sycuan Casino.

18 48. On or about July 24, 2006, defendant and his
19 coconspirators caused coconspirator Willy Tran to use a hidden
20 microphone and a cellular telephone to record and transmit the order
21 of cards as they were dealt at blackjack table #13, at Sycuan Casino,
22 by card dealer B.A., in order to facilitate the card-cheating scheme.

23 **Imperial Palace Casino, Biloxi, Mississippi**

24 49. On or about June 6, 2006, defendant and coconspirators
25 Liem Thanh Lam, Van Thu Tran, and Willy Tran flew aboard Southwest
26 Airlines Flight #841 from San Diego, California, to Houston, Texas to
27 execute the card-cheating scheme at the Imperial Palace Casino in
28 Biloxi, Mississippi.

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Def. Initials 

1 50. On or about June 8, 2006, defendant and coconspirator
2 Liem Thanh Lam traveled from Houston, Texas, to Biloxi, Mississippi,
3 with the intent to bribe an undercover agent (hereinafter "UC-1"),
4 whom they believed to be a supervisor from the Imperial Palace Casino
5 to facilitate the false shuffle card-cheating scheme.

6 51. On or about June 8, 2006, at the Imperial Palace
7 Casino, defendant met with UC-1, who was posing as a floor supervisor
8 at the casino, and attempted to bribe UC-1 by giving him \$500 and
9 offering to bribe UC-1 in the future, if he would help defendant
10 execute the false shuffle card-cheating scheme.

11 52. On or about August 15, 2006, defendant drove from his
12 home in Houston, Texas, to Biloxi, Mississippi, with the intent to
13 bribe another undercover agent (hereinafter "UC-2"), whom defendant
14 believed to be a card dealer at the Imperial Palace Casino, to perform
15 false shuffles for the card-cheating scheme.

16 53. On or about August 15, 2006, in a hotel room at the
17 Imperial Palace Casino, defendant offered to bribe UC-2 with at least
18 \$3,000, to perform false shuffles for the card-cheating scheme.

19 54. On or about August 15, 2006, in a hotel room,
20 coconspirator Martin Lee Aronson trained UC-2 to perform false
21 shuffles for the card-cheating scheme.

22 **Summary**

23 55. In total, defendant and his coconspirators, including
24 Tai Khiem Tran, Van Thu Tran, Anh Phuong Tran, Phat Ngoc Tran, Martin
25 Lee Aronson, Liem Thanh Lam, George Michael Lee, Tien Duc Vu, Son Hong
26 Johnson, Barry Wellford, Khai Hong Tran, Willy Tran, Tuan Mong Le, Duc
27 Cong Nguyen, Han Truong Nguyen, and Ha Thuy Giang, unlawfully obtained
28 over \$2,500,000 but less than \$7,000,000, during card cheats at the

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Def. Initials mmw

1 casinos identified above and others, including Mohegan Sun Resort
2 Casino, in Uncasville, Connecticut; Majestic Star Casino, in Gary,
3 Indiana; Argosy Casino, in Baton Rouge, Louisiana; Trump 29 Casino,
4 in Coachella, California; Isle of Capri Casino, in Bossier City,
5 Louisiana; and Horseshoe Casino, in Bossier City, Louisiana. After
6 taking and helping others to take these funds, defendant agreed that
7 at least one member of the conspiracy would transport the funds across
8 state lines. The defendant was aware that at least one member of the
9 conspiracy transported the funds across state lines.

10 56. Defendant agrees that if this case were to proceed to
11 trial, the government would prove beyond a reasonable doubt that the
12 proceeds of the racketeering conspiracy to which defendant is pleading
13 guilty amounted to at least \$2,791,146. Defendant further agrees that
14 the items listed in Section I of this Agreement constitute property
15 derived from the proceeds of the racketeering conspiracy to which
16 defendant is pleading guilty, and/or that such property afforded
17 defendant a source of influence over the Tran Organization during the
18 course of the conspiracy.

19 III.


20 PENALTIES

21 Defendant understands that the crime to which defendant is
22 pleading guilty (Title 18, United States Code, Section 1962(d))
23 carries the following penalties:

- 24 A. A maximum twenty (20) years in prison;
- 25 B. A maximum \$250,000 fine;
- 26 C. A mandatory special assessment of \$100 per count of
27 conviction; and

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Def. Initials 

1 D. A term of supervised release of not more than five (5)
2 years. Defendant understands that failure to comply with any of the
3 conditions of supervised release may result in revocation of
4 supervised release, requiring defendant to serve in prison all or part
5 of the term of supervised release.

6 E. An order from the Court pursuant to Title 18, United States
7 Code, Section 3663A that defendant make mandatory restitution to the
8 victims of the offense of conviction. Defendant understands that the
9 Court shall also order, if agreed to by the parties in this plea
10 agreement, restitution to persons other than the victims of the
11 offense of conviction.

12 F. An order from the Court pursuant to Title 18, United States
13 Code, Section 1963(a) that defendant shall forfeit:

14 1. Any interest which any of the defendants acquired or
15 maintained in violation of section 1962;

16 2. Any interest in, security of, claim against, and
17 property or contractual right of any kind affording a source of
18 influence over, any enterprise which any of the defendants
19 established, operated, controlled, conducted, or participated in the
20 conduct of, in violation of Title 18, United States Code, Section
21 1962; and

22 3. Any property constituting, or derived from, any
23 proceeds which any of the defendants obtained, directly or indirectly,
24 from racketeering activity or unlawful debt collection in violation
25 of Title 18, United States Code, Section 1962.

26 Defendant understands that the count of the crime to which
27 defendant is pleading guilty (Title 18, United States Code, Section
28 371) carries the following penalties:

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Def. Initials

- 1 A. A maximum of five (5) years in prison;
- 2 B. A maximum \$250,000 fine;
- 3 C. A mandatory special assessment of \$100 per count of
4 conviction; and
- 5 D. A term of supervised release of not more than three (3)
6 years, pursuant to Title 18, United States Code, Sections 3559 and
7 3583. Defendant understands that failure to comply with any of the
8 conditions of supervised release may result in revocation of
9 supervised release, requiring defendant to serve in prison all or part
10 of the term of supervised release.
- 11 E. An order from the Court pursuant to Title 18, United States
12 Code, Section 3663A that defendant make mandatory restitution to the
13 victims of the offense of conviction. Defendant understands that the
14 Court shall also order, if agreed to by the parties in this plea
15 agreement, restitution to persons other than the victims of the
16 offense of conviction.

17 IV.

18 DEFENDANT'S WAIVER OF TRIAL RIGHTS

- 19 Defendant understands that this guilty plea waives the right to:
- 20 A. Continue to plead not guilty and require the government to
21 prove the elements of the crime beyond a reasonable doubt;
- 22 B. A speedy and public trial by jury;
- 23 C. The assistance of counsel at all stages of trial;
- 24 D. Confront and cross-examine adverse witnesses;
- 25 E. Present evidence and to have witnesses testify on behalf of
26 defendant; and
- 27 F. Not testify or have any adverse inferences drawn from the
28 failure to testify.

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V.

WAIVER OF EIGHTH AMENDMENT RIGHTS AS TO THE FORFEITURE

Defendant knowingly and voluntarily waives any rights and defenses defendant may have under the Excessive Fines Clause of the Eighth Amendment to the United States Constitution to the forfeiture of property in this proceeding or any related civil proceeding.

VI.

DEFENDANT ACKNOWLEDGES NO PRETRIAL RIGHT TO BE PROVIDED WITH IMPEACHMENT AND AFFIRMATIVE DEFENSE INFORMATION

The government represents that any information establishing the factual innocence of defendant known to the undersigned prosecutor in this case has been turned over to defendant. The government will continue to provide such information establishing the factual innocence of defendant.

Defendant understands that if this case proceeded to trial, the government would be required to provide impeachment information relating to any informants or other witnesses. In addition, if defendant raised an affirmative defense, the government would be required to provide information in its possession that supports such a defense. Defendant acknowledges, however, that by pleading guilty defendant will not be provided this information, if any, and Defendant also waives the right to this information. Finally, defendant agrees not to attempt to withdraw the guilty plea or to file a collateral attack based on the existence of this information.

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VII.

DEFENDANT'S REPRESENTATION THAT GUILTY
PLEA IS KNOWING AND VOLUNTARY

Defendant represents that:

A. Defendant has had a full opportunity to discuss all the facts and circumstances of this case with defense counsel, and has a clear understanding of the charges and the consequences of this plea;

B. No one has made any promises or offered any rewards in return for this guilty plea, other than those contained in this plea agreement or otherwise disclosed to the Court;

C. No one has threatened defendant or defendant's family to induce this guilty plea; and

D. Defendant is pleading guilty because in truth and in fact defendant is guilty and for no other reason.

VIII.

AGREEMENT LIMITED TO U.S. ATTORNEY'S OFFICE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, U.S. ATTORNEY'S OFFICE FOR THE WESTERN DISTRICT OF WASHINGTON, AND CRIMINAL DIVISION OF
THE UNITED STATES DEPARTMENT OF JUSTICE

This plea agreement is limited to the United States Attorney's Office for the Southern District of California, the United States Attorney's Office for the Western District of Washington, and the Criminal Division of the United States Department of Justice, and cannot bind any other federal, state or local prosecuting, administrative, or regulatory authorities, although the government will bring this plea agreement to the attention of other authorities if requested by defendant.

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IX.

APPLICABILITY OF SENTENCING GUIDELINES

Defendant understands the sentence imposed will be based on the factors set forth in 18 U.S.C. § 3553(a). Defendant understands further that in imposing the sentence, the sentencing judge must consult the United States Sentencing Guidelines (Guidelines) and take them into account. Defendant has discussed the Guidelines with defense counsel and understands that the Guidelines are only advisory, not mandatory, and the Court may impose a sentence more severe or less severe than otherwise applicable under the Guidelines, up to the maximum in the statute of conviction. Defendant understands further that the sentence cannot be determined until a presentence report has been prepared by the U.S. Probation Office and defense counsel and the government have had an opportunity to review and challenge the presentence report. Nothing in this plea agreement shall be construed as limiting the government's duty to provide complete and accurate facts to the District Court and the U.S. Probation Office.

X.

SENTENCE IS WITHIN SOLE DISCRETION OF JUDGE

This plea agreement is made pursuant to Federal Rule of Criminal Procedure 11(c)(1)(A) & (B). Defendant understands that the sentence is within the sole discretion of the sentencing judge. The government has not made and will not make any representation as to what sentence defendant will receive. Defendant understands that the sentencing judge may impose the maximum sentence provided by statute, and is also aware that any estimate of the probable sentence by defense counsel is a prediction, not a promise, and is not binding on the Court. Likewise, the recommendation made by the government is not binding on

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Def. Initials

1 the Court, and it is uncertain at this time what defendant's sentence
2 will be. Defendant also has been advised and understands that if the
3 sentencing judge does not follow any of the parties' sentencing
4 recommendations, defendant nevertheless has no right to withdraw the
5 plea.

6 XI.

7 PARTIES' SENTENCING RECOMMENDATIONS

8 A. SENTENCING GUIDELINE CALCULATIONS

9 Although the parties understand that the Guidelines are only
10 advisory and just one of the factors the Court will consider under 18
11 U.S.C. § 3553(a) in imposing a sentence, the parties will jointly
12 recommend the following Base Offense Level, Specific Offense
13 Characteristics, Adjustments and Departures (if applicable) under the
14 Guidelines:

- 15 1. Base Offense Level, §§ 2E1.1(a)(2) and 2B1.1(a)(1) 7
- 16 2. Specific Offense Characteristics:
 - 17 § 2B1.1(b)(1)(J) +18
 - 18 § 2B1.1(b)(9) +2
- 19 3. Aggravating Role, § 3B1.1(a) +4
- 20 4. Acceptance of Responsibility, § 3E1.1 -3
- 21 TOTAL OFFENSE LEVEL: 28

22 The government agrees that the two counts to which defendant
23 agrees to plead guilty are "closely related counts" pursuant to
24 U.S.S.G. §§ 3D1.1 and 3D1.2.

25 B. ACCEPTANCE OF RESPONSIBILITY

26 Notwithstanding paragraph A.4 above, the government will not
27 recommend any adjustment for Acceptance of Responsibility if
28 defendant:

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Def. Initials pmw

1 1. Fails to admit a complete factual basis for the plea
2 at the time it is entered; or

3 2. Denies involvement in the offense, gives conflicting
4 statements about that involvement, or is untruthful with the Court or
5 probation officer; or

6 3. Fails to appear in Court; or

7 4. Engages in additional criminal conduct; or

8 5. Attempts to withdraw the plea; or

9 6. Refuses to abide by any lawful Court order; or

10 7. Contests the forfeiture(s) or assists any third party
11 in contesting the forfeiture of properties seized in connection with
12 this case.

13 C. NO OTHER ADJUSTMENTS ARE RECOMMENDED

14 The parties agree not to recommend any upward or downward
15 adjustments other than those listed above.

16 D. NO AGREEMENT AS TO CRIMINAL HISTORY CATEGORY

17 There is no agreement as to defendant's Criminal History
18 Category.

19 E. NO DEPARTURES ARE RECOMMENDED

20 The parties agree not to recommend any upward or downward
21 departures, including any criminal history departures under § 4A1.3,
22 except as set forth herein.

23 F. "FACTUAL BASIS" AND "RELEVANT CONDUCT" INFORMATION

24 The parties agree that the facts in the "factual basis" paragraph
25 of this agreement are true, and may be considered as "relevant
26 conduct" under U.S.S.G. § 1B1.3 and as the nature and circumstances
27 of the offense under 18 U.S.C. § 3553(a)(1).

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Def. Initials mmw

1 G. PARTIES' RECOMMENDATIONS REGARDING CUSTODY

2 The parties agree that the government will recommend that
3 defendant be sentenced to the low end of the advisory guideline range
4 as calculated by the government pursuant to this agreement. However,
5 if the Court adopts an offense level or downward adjustment or
6 departure below the government's recommendations in this plea
7 agreement, the government will recommend a sentence as near as
8 possible to what the sentence would have been if the government's
9 recommendations had been followed.

10 H. SPECIAL ASSESSMENT

11 The parties will jointly recommend that defendant pay a special
12 assessment in the amount of \$100.00 per count of conviction to be paid
13 forthwith at time of sentencing. The special assessment shall be paid
14 through the office of the Clerk of the District Court by bank or
15 cashier's check or money order made payable to the "Clerk, United
16 States District Court."

17 I. RESTITUTION

18 Defendant understands that restitution is mandatory and that the
19 amount of restitution defendant is ordered to pay will be determined
20 by the Court at sentencing. The defendant further understands that
21 amount of restitution ordered by the Court may include the loss amount
22 from Count One as well as the defendant's total offense conduct, and
23 is not limited to the counts of conviction or to the forfeiture amount
24 in Section I of this agreement.

25 The restitution described above shall be paid through the Office
26 of the Clerk of the District Court by bank or cashier's check or money
27 order made payable to the "Clerk, United States District Court."

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1 Further, the restitution described above shall be paid in the
2 amounts and to the victims subsequently designated by the United
3 States.

4 Defendant agrees that, before sentencing, defendant shall provide
5 to the United States, under penalty of perjury, a second updated
6 financial disclosure form listing all his assets and financial
7 interests valued at more than \$1,000. Defendant understands that
8 these assets and financial interests include all assets and financial
9 interests in which defendant has an interest (or had an interest prior
10 to July 31, 2006), direct or indirect, whether held in defendant's own
11 name or in the name of another, in any property, real or personal.
12 Defendant shall also identify all assets valued at more than \$5,000
13 which have been transferred to third parties since July 31, 2006,
14 including the location of the assets and the identity of the third
15 party(ies).

16 The parties will jointly recommend that as a condition of
17 probation or supervised release, defendant will notify the Collections
18 Unit, United States Attorney's Office, of any interest in property
19 obtained, directly or indirectly, including any interest obtained
20 under any other name, or entity, including a trust, partnership or
21 corporation after the execution of this plea agreement until the
22 restitution is paid in full.

23 The parties will also jointly recommend that as a condition of
24 probation or supervised release, defendant will notify the Collections
25 Unit, United States Attorney's Office, before defendant transfers any
26 interest in property owned directly or indirectly by defendant,
27 including any interest held or owned under any other name or entity,
28 including trusts, partnerships and/or corporations.

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Def. Initials pmw

1 Based upon a determination of the defendant's assets following
2 the provision of a financial disclosure form, the United States may
3 elect to not recommend imposition of a fine or restitution order due
4 to defendant's limited financial prospects and because the cost of
5 collection, even taking into account the Inmate Responsibility
6 Program, likely would exceed the amounts that could reasonably be
7 expected to be collected.

8 If the information disclosed by defendant relating to his/her
9 assets and financial interests is not complete and truthful, the
10 government may pursue all available forfeiture remedies.

11 Defendant agrees to submit to a polygraph examination to test the
12 truthfulness of defendant's disclosures, upon request by the
13 government.

14 J. FORFEITURE

15 Defendant agrees to take whatever steps the government deems are
16 necessary to pass clear title to the assets named or covered by
17 Section I of this agreement to the United States including, but not
18 limited to, assisting in bringing any assets or the proceeds from the
19 sale of assets located outside the United States within the
20 jurisdiction of the United States, completing any legal documents
21 required for the transfer of assets to the United States, and taking
22 whatever steps are necessary to ensure that assets subject to
23 forfeiture are not sold, disbursed, wasted, hidden, or otherwise made
24 unavailable for forfeiture.

25 XII.

26 DEFENDANT WAIVES APPEAL AND COLLATERAL ATTACK

27 In exchange for the government's concessions in this plea
28 agreement, defendant waives, to the full extent of the law, any right

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Def. Initials

1 to appeal or to collaterally attack the conviction and sentence,
2 including any restitution order, unless the Court imposes a custodial
3 sentence greater than the high end of the guideline range (or
4 statutory mandatory minimum term, if applicable) recommended by the
5 government pursuant to this plea agreement at the time of sentencing.
6 If the custodial sentence is greater than the high end of that range,
7 defendant may appeal, but the government will be free to support on
8 appeal the sentence actually imposed. If defendant believes the
9 government's recommendation is not in accord with this plea agreement,
10 defendant will object at the time of sentencing; otherwise the
11 objection will be deemed waived.

12 XIII.

13 CRIMES AFTER ARREST OR BREACH OF THE AGREEMENT WILL PERMIT THE
14 GOVERNMENT TO RECOMMEND A HIGHER SENTENCE OR SET ASIDE THE PLEA

15 This plea agreement is based on the understanding that, prior to
16 defendant's sentencing in this case, defendant has not committed or
17 been arrested for any offense not known to the government prior to
18 defendant's sentencing. This plea agreement is further based on the
19 understanding that defendant has committed no criminal conduct since
20 defendant's arrest on the present charges, and that defendant will
21 commit no additional criminal conduct before sentencing. If defendant
22 has engaged in or engages in additional criminal conduct during this
23 period, or breaches any of the terms of any agreement with the
24 government, the government will not be bound by the recommendations
25 in this plea agreement, and may recommend any lawful sentence. In
26 addition, at its option, the government may move to set aside the
27 plea.

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XIV.

ENTIRE AGREEMENT

This plea agreement embodies the entire plea agreement between the parties and supersedes any other plea agreement, written or oral.

XV.

MODIFICATION OF AGREEMENT MUST BE IN WRITING

No modification of this plea agreement shall be effective unless in writing signed by all parties.

XVI.

DEFENDANT AND COUNSEL FULLY UNDERSTAND AGREEMENT

By signing this plea agreement, defendant certifies that defendant has read it (or that it has been read to defendant in defendant's native language). Defendant has discussed the terms of this plea agreement with defense counsel and fully understands its meaning and effect.

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XVII.

DEFENDANT SATISFIED WITH COUNSEL

Defendant has consulted with counsel and is satisfied with counsel's representation.

KAREN P. HEWITT
United States Attorney
Southern District of California

JEFFREY C. SULLIVAN
United States Attorney
Western District of Washington

ROBERT S. TULLY
GAVIN A. CORN
Special Assistant U.S. Attorneys
Trial Attorneys, U.S. Dept. of Justice

2/20/2008

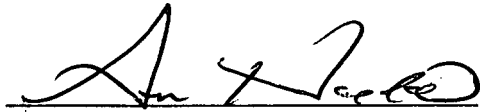
DATED



JOSEPH K. WHEATLEY
Special Assistant U.S. Attorney
Trial Attorney, U.S. Dept. of Justice

1/23/08

DATED




ARMON HADDAD
Attorney for Defendant

IN ADDITION TO THE FOREGOING PROVISIONS TO WHICH I AGREE, I SWEAR UNDER PENALTY OF PERJURY THAT THE FACTS IN THE "FACTUAL BASIS" PARAGRAPH ABOVE ARE TRUE.

01-23-08

DATED



PHUONG QUOC TRUONG
Defendant

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WITNES

07-CR-1312-JAH