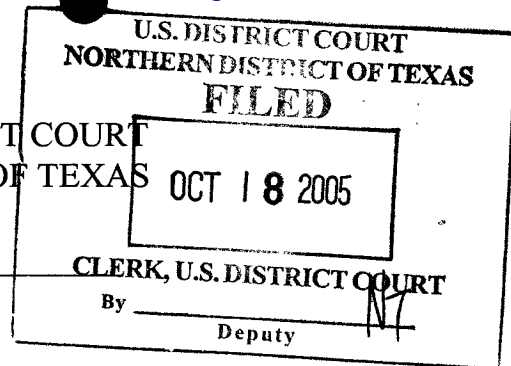


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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



ORIGINAL

UNITED STATES OF AMERICA

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§
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v.

No. 3:05-CR-124-M

CUC KIM TRAN (07)

PLEA AGREEMENT

Cuc Kim Tran, James Jamison, the defendant's attorney, and the United States of America (the government), agree as follows:

1. **Rights of the defendant:** Tran understands that she has the rights
 - a. to plead not guilty;
 - b. to have a trial by jury;
 - c. to have her guilt proven beyond a reasonable doubt;
 - d. to confront and cross-examine witnesses and to call witnesses in her defense; and
 - e. against compelled self-incrimination.

2. **Waiver of rights and plea of guilty:** Tran waives these rights and pleads guilty to the offense alleged in Count 1 of the information, charging a violation of 18 U.S.C. § 4, that is, misprision of a felony. Tran understands the nature and elements of the crime to which she is pleading guilty, and agrees that the factual resume she has signed is true and will be submitted as evidence.

3. **Sentence:** The maximum penalties the Court can impose include:
 - a. imprisonment for a period not to exceed three (3) years;
 - b. a fine not to exceed \$250,000.00, or twice any pecuniary gain to the defendant or loss to the victim(s);
 - c. a mandatory term of supervised release of 1 year may follow any term of imprisonment. If Tran violates the conditions of supervised release, she could be imprisoned for the entire term of supervised release;
 - d. a mandatory special assessment of \$100.00;
 - e. restitution to victims or to the community, which may be mandatory under the law, and which Tran agrees may include restitution arising from all relevant conduct, not limited to that arising from the offense of conviction alone; and
 - f. costs of incarceration and supervision.

4. **Court's sentencing discretion and role of the Guidelines:** Tran understands that the sentence in this case will be imposed by the Court after consideration of the United States Sentencing Guidelines. The guidelines are not binding on the Court, but are advisory only. Tran has reviewed the guidelines with her attorney, but understands no one can predict with certainty the outcome of the Court's consideration of the guidelines in this case. Tran will not be allowed to withdraw her plea if her sentence is higher than expected. Tran fully understands that the actual sentence imposed (so long as it is within the statutory maximum) is solely in the discretion of the Court.

5. **Mandatory special assessment:** Tran agrees to pay to the U.S. District Clerk the amount of \$100.00, in satisfaction of the mandatory special assessment in this case.

6. **Defendant's cooperation:** Tran shall cooperate with the government by giving truthful and complete information and/or testimony concerning her participation in the offense of conviction and knowledge of criminal activities. Upon demand, Tran shall submit a personal financial statement under oath and submit to interviews by the government and the U.S. Probation Office regarding her capacity to satisfy any fines or restitution. The government will advise the Court of the extent of Tran's cooperation.

7. **Government's agreement:** The government will not bring any additional charges against Tran based upon the conduct underlying and related to Tran's plea of guilty. The government will dismiss, after sentencing, the pending indictment. Pursuant to Rule 11(c)(1)(B), the government recommends that Tran be sentenced at the lowest end of the guideline range applied by the court. This recommendation is not binding on the district court. This agreement is limited to the United States Attorney's Office for the Northern District of Texas and does not bind any other federal, state, or local prosecuting authorities, nor does it prohibit any civil or administrative proceeding against Tran or any property.

8. **Violation of agreement:** Tran understands that if she violates any provision of this agreement, or if her guilty plea is vacated or withdrawn, the government will be free from any obligations of the agreement and free to prosecute Tran for all offenses of which it has knowledge. In such event, Tran waives any objections based upon delay in prosecution. If the plea is vacated or withdrawn for any reason other than a finding that it was involuntary, Tran also waives objection to the use against her of any information or statements she has provided to the government, and any resulting leads.

9. **Voluntary plea:** This plea of guilty is freely and voluntarily made and is not the result of force or threats, or of promises apart from those set forth in this plea agreement. There have been no guarantees or promises from anyone as to what sentence the Court will impose.

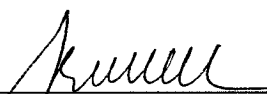
10. **Waiver of right to appeal or otherwise challenge sentence:** Tran waives her rights, conferred by 28 U.S.C. § 1291 and 18 U.S.C. § 3742, to appeal from her conviction and sentence. She further waives her right to contest her conviction and sentence in any collateral proceeding, including proceedings under 28 U.S.C. § 2241 and 28 U.S.C. § 2255. Tran, however, reserves the rights (a) to bring a direct appeal of (i) a sentence exceeding the statutory maximum punishment, or (ii) an arithmetic error at sentencing, (b) to challenge the voluntariness of her plea of guilty or this waiver, and (c) to bring a claim of ineffective assistance of counsel.

11. **Representation of counsel:** Tran has thoroughly reviewed all legal and factual aspects of this case with her lawyer and is fully satisfied with that lawyer's legal representation. Tran has received from her lawyer explanations satisfactory to her concerning each paragraph of this plea agreement, each of her rights affected by this agreement, and the alternatives available to her other than entering into this agreement. Because she concedes that she is guilty, and after conferring with her lawyer, Tran has concluded that it is in her best interest to enter into this plea agreement and all its terms, rather than to proceed to trial in this case.

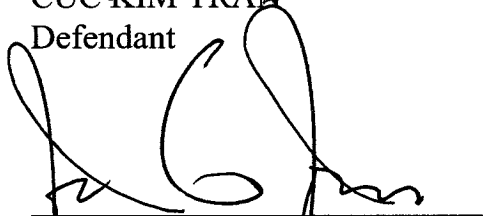
12. **Entirety of agreement:** This document is a complete statement of the parties' agreement and may not be modified unless the modification is in writing and signed by all parties.

AGREED TO AND SIGNED this 18 day of October, 2005.

RICHARD B. ROPER
UNITED STATES ATTORNEY



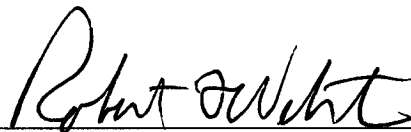
CUC KIM TRAN
Defendant



JAMES JAMISON
Counsel for Defendant



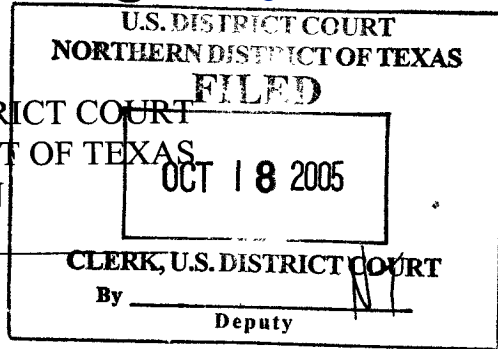
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ROBERT WEBSTER
Criminal Chief

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA

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v.

No. 3:05-CR-124-M

CUC KIM TRAN (07)

FACTUAL RESUME

Cuc Kim Tran, James Jamison, the defendant's attorney, and the United States of America (the government), represent the following elements and facts to this Honorable Court as follows:

ELEMENTS OF THE OFFENSE

Count 1

Misprision of a Felony
(Violation of 18 U.S.C. § 4)

- First: That a federal felony was committed, as charged in Count 1 of the information;
- Second: That the defendant had knowledge of the commission of the felony;
- Third: That the defendant failed to notify an authority as soon as possible. An "authority" includes a federal judge or some other federal civil or military authority, such as a federal grand jury, Secret Service or FBI agent; and
- Fourth: That the defendant did an affirmative act, as charged, to conceal the crime.

FACTS

Based on information she has received from the Federal Bureau of Investigation, **Tran** knows that **Xuyen Nguyen** and others set up a scheme in relation to the sale and purchase of the residence located at 4010 Ridgecrest Trail, Carrollton, Texas. At the time of this scheme, **Tran** was residing in Seattle, Washington. When advertising one of rooms for rent, **Tran** met **Xuyen Nguyen**. Because **Tran** had a good credit rating, **Nguyen** recruited **Tran** to represent herself as the purchaser of a specific residence, although she would not live in the house or maintain responsibility for payment of any mortgage on the property. In exchange, **Nguyen** offered to pay **Tran** \$10,000. **Tran** agreed to serve as a borrower and traveled to Dallas, Texas to meet with **Xuyen Nguyen**.

Although **Tran** initially trusted **Nguyen** and decided to get involved in this scheme, **Tran** agrees that she willfully closed her eyes to the illegal nature of her conduct in this case. **Tran** allowed **Nguyen** to use her personal information (including social security number) in connection with the purchase of 4010 Ridgecrest Trail; traveled to Texas from Seattle at to sign documents for the purchase of the house; and knew that she was not buying and would not live in the house, despite her actions in signing as the “purchaser” for that residence. Prior to August 7, 2002, **Nguyen** and her co-conspirators had already used **Tran**’s information to start the fraudulent loan process and had committed overt acts in the furtherance of the conspiracy. Accordingly, **Tran** stipulates that a federal felony had been committed prior to August 7, 2002. Based on these

circumstances, **Tran** stipulates that prior to August 7, 2002, she had knowledge that a federal felony had been and was still being committed, namely: conspiracy to commit wire fraud, in violation of 18 U.S.C. § 371 [18 U.S.C. § 1343]. Despite that knowledge, **Tran** failed to notify an “authority” (including a federal judge or some other federal civil or military authority, such as a federal grand jury or FBI agent) of this violation of the law. Instead, **Tran** continued to participate in the fraudulent loan process and committed an affirmative act to conceal the crime.


On or about August 7, 2002, **Tran** attended a meeting at American Title Company in Garland, Texas (located within the Dallas Division of the Northern District of Texas) and executed a HUD-1 Settlement Statement in connection with her straw purchase of the residence located at 4010 Ridgecrest Trail, Carrollton, Texas 75005. **Tran** understands that this statement misrepresented the true value of the residence located at 4010 Ridgecrest Trail and falsely listed **Tran** as the purchaser / borrower for that house. **Tran** was not the true purchaser of the residence located at 4010 Ridgecrest Trail and did not intend to live at that address or maintain responsibility for payment of the mortgage on that property. By signing this document, **Tran** furthered concealed the fraudulent purchase of 4010 Ridgecrest Trail, qualifying as an affirmative act, as charged in the indictment.

Tran understands that the HUD-1 Settlement Statement, along with other fraudulent loan documents claiming that **Tran** was the purchaser / borrower for the

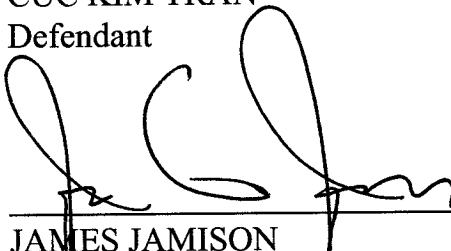
residence, were submitted to Countrywide Home Loans, d.b.a. America's Wholesale Lender, in order to secure financing to close straw borrower **Tran's** purchase of 4010 Ridgecrest Trail for the inflated amount of \$350,000. As a result of this false submission, **Tran** agrees and stipulates that Countrywide Home Loans, d.b.a. America's Wholesale Lender to fund and transmit by wire communication \$326,618.63 from the Bank of New York, New York City, New York, to American Title Company's account maintained at Compass Bank in Houston, Texas in order to close straw borrower **Cuc Tran's** purchase of 4010 Ridgecrest Trail from P.N. Because the residence at 4010 Ridgecrest Trail was overvalued and the documentation submitted to Countrywide Home Loans was false, **Tran** agrees that the loan proceeds wired from New York to Texas were fraudulently obtained.

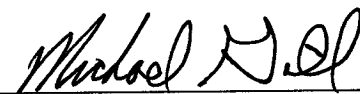
AGREED TO AND SIGNED this 18 day of October, 2005.

RICHARD B. ROPER
UNITED STATES ATTORNEY

x 

CUC KIM TRAN
Defendant


JAMES JAMISON
Counsel for Defendant



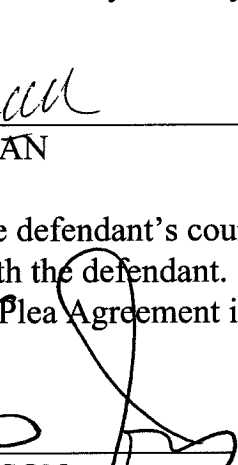
MICHAEL R. GILL
Assistant United States Attorney
Texas Bar No. 24002138
1100 Commerce, Third Floor
Dallas, Texas 75242
Telephone: 214.659.8714
Facsimile: 214.767.4100

I have read (or had read to me) this Plea Agreement and have carefully reviewed every part of it with my attorney. I fully understand it and voluntarily agree to it.


CUC KIM TRAN


Oct 18 2005
Date

I am the defendant's counsel. I have carefully reviewed every part of this Plea Agreement with the defendant. To my knowledge and belief, my client's decision to enter into this Plea Agreement is an informed and voluntary one.


JAMES JAMISON
Attorney for Defendant

Oct 18 2005
Date

I, Bernard Nguyen, have translated this document into Vietnamese.


BERNARD NGUYEN