

1 ANDRÉ BIROTTE JR.
 Overt United States Attorney
 2 ROBERT E. DUGDALE
 Assistant United States Attorney
 3 Chief, Criminal Division
 JOSEPH O. JOHNS (Cal. State Bar No.: 144524)
 4 DENNIS MITCHELL (Cal. State Bar No.: 116039)
 Assistant United States Attorneys
 5 Environmental Crimes Section
 1300 United States Courthouse
 6 312 North Spring Street
 Los Angeles, California 90012
 7 Telephone: (213) 894-4536/2484
 Facsimile: (213) 534-4300
 8 E-mail: joseph.johns@usdoj.gov
 dennis.mitchell@usdoj.gov

9 IGNACIA MORENO
 Assistant Attorney General
 10 SHENNIE PATEL (DC Bar No.: 462600)
 Trial Attorney
 11 Environmental Crimes Section
 Environment & Natural Resources Division
 12 U.S. Department of Justice
 601 D Street, NW
 13 Washington, DC 20004
 Telephone: (202) 305-0295
 14 Facsimile: (202) 514-8865
 E-mail: shennie.patel@usdoj.gov

15 Attorneys for Plaintiff
 UNITED STATES OF AMERICA
 16

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,) CR No. 12-202(A)-CAS
 20)
 Plaintiff,) PLEA AGREEMENT FOR DEFENDANT
 21) JARROD WADE STEFFEN
 v.)
 22)
 JARROD WADE STEFFEN,)
 23)
 Defendant.)
 24)

25 1. This constitutes the plea agreement between JARROD WADE
 26 STEFFEN ("defendant") and the United States Attorney's Office for
 27 the Central District of California ("the USAO") and the U.S.
 28 Department of Justice's Environment and Crimes Section ("ECS") in

1 the above-captioned case. This agreement is limited to the USAO
2 (references to USAO throughout this document include ECS) and
3 cannot bind any other federal, state, local, or foreign
4 prosecuting, enforcement, administrative, or regulatory
5 authorities.

6 DEFENDANT'S OBLIGATIONS

7 2. Defendant agrees to:

8 a) At the earliest opportunity requested by the USAO
9 and provided by the Court, appear and plead guilty to Counts One,
10 Twenty-One, Twenty-Seven, and Thirty-Two of the First Superseding
11 Indictment in United States v. Vinh Chuong Kha, Jarrod Wade
12 Steffen, et al., CR No. 12-202(A)-CAS, which charges defendant,
13 respectively, with Conspiracy, Smuggling Goods from the United
14 States, Wildlife Trafficking, and Money Laundering, in violation
15 of 18 U.S.C. § 371, 18 U.S.C. § 554, 16 U.S.C. §§ 3372(a)(1),
16 3373(d)(1)(A), and 18 U.S.C. § 1956(a)(1)(A)(i).

17 b) Not contest facts agreed to in this agreement.

18 c) Abide by all agreements regarding sentencing
19 contained in this agreement.

20 d) Appear for all court appearances, surrender as
21 ordered for service of sentence, obey all conditions of any bond,
22 and obey any other ongoing court order in this matter.

23 e) Not commit any crime; however, offenses that would
24 be excluded for sentencing purposes under United States
25 Sentencing Guidelines ("U.S.S.G." or "Sentencing Guidelines")
26 § 4A1.2(c) are not within the scope of this agreement.

27 f) Be truthful at all times with Pretrial Services, the
28

1 United States Probation Office, and the Court.

2 g) Pay the applicable special assessments at or before
3 the time of sentencing unless defendant lacks the ability to pay
4 and prior to sentencing submits a completed financial statement
5 on a form to be provided by the USAO.

6 3. Defendant further agrees:

7 a) Truthfully to disclose to law enforcement officials,
8 at a date and time to be set by the USAO, the location of,
9 defendant's ownership interest in, and all other information
10 known to defendant about, all monies, properties, and/or assets
11 of any kind, derived from or acquired as a result of, or used to
12 facilitate the commission of, defendant's illegal activities, and
13 to forfeit all right, title, and interest in and to such items,
14 specifically including all right, title, and interest in and to,
15 all United States currency, property and assets, including the
16 following:

17 (1) One 2007 Dodge Crew Pickup Truck, Illinois
18 License No. 2988785D, bearing Vehicle Identification No.
19 3D6WG48AX7G77802 seized by law enforcement officials on March 5,
20 2012;

21 (2) One 2011 Dodge Ram 3500 Truck, Illinois
22 License No. 7069VF, bearing Vehicle Identification No.
23 3D73Y3CL1BG582360;

24 (3) One 1999 Barrett livestock trailer, Illinois
25 License No. 441477ST, bearing Vehicle Identification No.
26 1B9L53207X1014311; and

27 (4) \$337,000 in U.S. currency seized February 9,
28 2012, by the Long Beach Police Department at the Long Beach

1 Airport from defendant, Merrily Steffen, and Molly Blackburn;

2 (5) all U.S. currency seized on February 18, 2012,
3 by the United States Fish and Wildlife Service ("USFWS") from a
4 safe deposit box in the names of defendant and Merrily Steffen
5 located at the First Midwest Bank in McHenry, Illinois (believed
6 to be at least \$176,400);

7 (6) one blue portable safe, including \$200 U.S.
8 currency located therein, seized on March 5, 2012, by USFWS at
9 1341 East Evergreen Drive, Apartment 103, Palatine, Illinois;

10 (7) \$200 in U.S. currency seized on February 18,
11 2012, by the USFWS at the residence and associated ranch property
12 owned by Randall and Merrily "Stefen" in Hico, Texas (with a
13 legal description of 752 J L Stanley TR #5B, 15 Acres, PID
14 23237);

15 all of which defendant admits constitute the proceeds of
16 defendant's illegal activity and/or were used to facilitate
17 defendant's criminal activity in violation of 18 U.S.C. §§ 554,
18 1956(a)(1)(A), and 16 U.S.C. §§ 3372(a) and 3373(d).

19 b) To the Court's entry of an order of forfeiture at or
20 before sentencing with respect to these assets and to the
21 forfeiture of the assets.

22 c) To take whatever steps are necessary to pass to the
23 United States clear title to the assets described above,
24 including, without limitation, the execution of a consent decree
25 of forfeiture and the completing of any other legal documents
26 required for the transfer of title to the United States.

27 d) Not to contest any administrative forfeiture
28 proceedings or civil judicial proceedings commenced against these

1 properties pursuant to 18 U.S.C. §§ 981 & 982, 21 U.S.C. § 853,
2 28 U.S.C. § 2461(c), and 16 U.S.C. § 3374(a)(2). With respect to
3 any criminal forfeiture ordered as a result of this plea
4 agreement, defendant waives the requirements of Federal Rules of
5 Criminal Procedure 32.2 and 43(a) regarding notice of the
6 forfeiture in the charging instrument, announcements of the
7 forfeiture sentencing, and incorporation of the forfeiture in the
8 judgment. Defendant acknowledges that forfeiture of the assets
9 is part of the sentence that may be imposed in this case and
10 waives any failure by the Court to advise defendant of this,
11 pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), at
12 the time the Court accepts defendant's guilty pleas.

13 e) Not to assist any other individual in any effort
14 falsely to contest the forfeiture of the assets described above.

15 f) Not to claim that reasonable cause to seize the
16 assets was lacking.

17 g) To prevent the transfer, sale, destruction, or loss
18 of any and all assets described above to the extent defendant has
19 the ability to do so.

20 h) To fill out and deliver to the USAO a completed
21 financial statement listing defendant's assets on a form provided
22 by the USAO.

23 i) That forfeiture of assets described above shall not
24 be counted toward satisfaction of any special assessment, fine,
25 restitution, costs, or other penalty the Court may impose.

26 4. Defendant further agrees to cooperate fully with the
27 USAO, the United States Fish and Wildlife Service, the Internal
28 Revenue Service, and, as directed by the USAO, any other federal,

1 state, local, or foreign prosecuting, enforcement,
2 administrative, or regulatory authority. This cooperation
3 requires defendant to:

4 a) Respond truthfully and completely to all questions
5 that may be put to defendant, whether in interviews, before a
6 grand jury, or at any trial or other court proceeding.

7 b) Attend all meetings, grand jury sessions, trials
8 or other proceedings at which defendant's presence is requested
9 by the USAO or compelled by subpoena or court order.

10 c) Produce voluntarily all documents, records, or
11 other tangible evidence relating to matters about which the USAO,
12 or its designee, inquires.

13 d) If requested to do so by the USAO, act in an
14 undercover capacity to the best of defendant's ability in
15 connection with criminal investigations by federal, state, local,
16 or foreign law enforcement authorities, in accordance with the
17 express instructions of those law enforcement authorities.

18 Defendant agrees not to act in an undercover capacity, tape
19 record any conversations, or gather any evidence except after a
20 request by the USAO and in accordance with express instructions
21 of federal, state, local, or foreign law enforcement authorities.

22 5. For purposes of this agreement: (1) "Cooperation
23 Information" shall mean any statements made, or documents,
24 records, tangible evidence, or other information provided, by
25 defendant pursuant to defendant's cooperation under this
26 agreement; and (2) "Plea Information" shall mean any statements
27 made by defendant, under oath, at the guilty plea hearing and the
28 agreed to factual basis statement in this agreement.

THE USAO'S OBLIGATIONS

6. The USAO agrees to:

a) Not contest facts agreed to in this agreement.

b) Abide by all agreements regarding sentencing contained in this agreement.

c) At the time of sentencing, move to dismiss the remaining counts of the First Superseding Indictment and underlying Indictment as against defendant. Defendant agrees, however, that at the time of sentencing the Court may consider any dismissed charges in determining the applicable Sentencing Guidelines range, the propriety and extent of any departure from that range, and the sentence to be imposed.

d) At the time of sentencing, provided that defendant demonstrates an acceptance of responsibility for the offenses up to and including the time of sentencing, recommend a two-level reduction in the applicable Sentencing Guidelines offense level, pursuant to U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an additional one-level reduction if available under that section.

e) Except for criminal tax violations (including conspiracy to commit such violations chargeable under 18 U.S.C. § 371), not further criminally prosecute defendant for violations of federal law arising out of defendant's conduct described in the agreed-to factual basis set forth in the Factual Basis in Support of the Plea Agreement, incorporated herein as Attachment A. Defendant understands that the USAO is free to criminally prosecute defendant for any other unlawful past conduct or any unlawful conduct that occurs after the date of this agreement.

1 Defendant agrees that at the time of sentencing the Court may
2 consider the uncharged conduct in determining the applicable
3 Sentencing Guidelines range, the propriety and extent of any
4 departure from that range, and the sentence to be imposed after
5 consideration of the Sentencing Guidelines and all other relevant
6 factors under 18 U.S.C. § 3553(a).

7 f) Recommend that defendant be sentenced to a term of
8 imprisonment no higher than the low end of the applicable
9 Sentencing Guidelines range. For purposes of this agreement, the
10 low end of the Sentencing Guidelines range is that defined by the
11 Sentencing Table in U.S.S.G. Chapter 5, Part A, without regard to
12 reductions in the term of imprisonment that may be permissible
13 through the substitution of community confinement or home
14 detention as a result of the offense level falling within Zone B
15 or Zone C of the Sentencing Table.

16 7. The USAO further agrees:

17 a) Not to offer as evidence in its case-in-chief in
18 the above-captioned case or any other criminal prosecution that
19 may be brought against defendant by the USAO, or in connection
20 with any sentencing proceeding in any criminal case that may be
21 brought against defendant by the USAO, any Cooperation
22 Information. Defendant agrees, however, that the USAO may use
23 both Cooperation Information and Plea Information: (1) to obtain
24 and pursue leads to other evidence, which evidence may be used
25 for any purpose, including any criminal prosecution of defendant;
26 (2) to cross-examine defendant should defendant testify, or to
27 rebut any evidence offered, or argument or representation made,
28 by defendant, defendant's counsel, or a witness called by

1 defendant in any trial, sentencing hearing, or other court
2 proceeding; and (3) in any criminal prosecution of defendant for
3 false statement, obstruction of justice, or perjury.

4 b) Not to use Cooperation Information against
5 defendant at sentencing for the purpose of determining the
6 applicable guideline range, including the appropriateness of an
7 upward departure, or the sentence to be imposed, and to recommend
8 to the Court that Cooperation Information not be used in
9 determining the applicable guideline range or the sentence to be
10 imposed. Defendant understands, however, that Cooperation
11 Information will be disclosed to the probation office and the
12 Court, and that the Court may use Cooperation Information for the
13 purposes set forth in U.S.S.G § 1B1.8(b) and for determining the
14 sentence to be imposed.

15 c) In connection with defendant's sentencing, to
16 bring to the Court's attention the nature and extent of
17 defendant's cooperation.

18 d) If the USAO determines, in its exclusive judgment,
19 that defendant has both complied with defendant's obligations
20 under paragraphs 2 and 3 above and provided substantial
21 assistance to law enforcement in the prosecution or investigation
22 of another ("substantial assistance"), to move the Court pursuant
23 to U.S.S.G. § 5K1.1 to fix an offense level and corresponding
24 guideline range below that otherwise dictated by the sentencing
25 guidelines.

26 DEFENDANT'S UNDERSTANDINGS REGARDING COOPERATION

27 8. Defendant understands the following:

28 a) Any knowingly false or misleading statement by

1 defendant will subject defendant to prosecution for false
2 statement, obstruction of justice, and perjury and will
3 constitute a breach by defendant of this agreement.

4 b) Nothing in this agreement requires the USAO or any
5 other prosecuting, enforcement, administrative, or regulatory
6 authority to accept any cooperation or assistance that defendant
7 may offer, or to use it in any particular way.

8 c) Defendant cannot withdraw defendant's guilty pleas
9 if the USAO does not make a motion pursuant to U.S.S.G. § 5K1.1
10 for a reduced guideline range or if the USAO makes such a motion
11 and the Court does not grant it or if the Court grants such a
12 USAO motion but elects to sentence above the reduced range.

13 d) At this time the USAO makes no agreement or
14 representation as to whether any cooperation that defendant has
15 provided or intends to provide constitutes or will constitute
16 substantial assistance. The decision whether defendant has
17 provided substantial assistance will rest solely within the
18 exclusive judgment of the USAO.

19 e) The USAO's determination whether defendant has
20 provided substantial assistance will not depend in any way on
21 whether the government prevails at any trial or court hearing in
22 which defendant testifies or in which the government otherwise
23 presents information resulting from defendant's cooperation.

24 NATURE OF THE OFFENSES

25 9. Defendant understands that for defendant to be guilty of
26 the crime charged in Count One, that is, Conspiracy, in violation
27 of Title 18, United States Code, Section 371, the following must
28 be true: (1) beginning on or about a date unknown, and ending on

1 or about 2/18/12, there was an agreement between two or more
2 persons to commit at least one crime as charged in the First
3 Superseding Indictment; (2) the defendant became a member of the
4 conspiracy knowing of at least one of its objects and intending
5 to help accomplish it; and (3) one of the members of the
6 conspiracy performed at least one overt act for the purpose of
7 carrying out the conspiracy.

8 Defendant understands that for defendant to be guilty of the
9 crime charged in Count Twenty-One, that is, Smuggling Goods from
10 the United States and Aiding and Abetting, in violation of Title
11 18, United States Code, Sections 554 and 2(a), the following must
12 be true: (1) defendant fraudulently or knowingly received,
13 concealed, bought, sold, or facilitated the transportation,
14 concealment, or sale of merchandise; (2) prior to export of the
15 merchandise; and (3) knew the merchandise was intended for export
16 contrary to United States law or regulation, or that (1) the
17 crime of Smuggling Goods from the United States was committed by
18 someone; (2) the defendant knowingly and intentionally aided,
19 counseled, commanded, induced or procured that person to commit
20 each element of Smuggling Goods from the United States; and (3)
21 the defendant acted before the crime was completed. It is not
22 enough that the defendant merely associated with the person
23 committing the crime, or unknowingly or unintentionally did
24 things that were helpful to that person, or was present at the
25 scene of the crime. The evidence must show beyond a reasonable
26 doubt that the defendant acted with the knowledge and intention
27 of helping that person commit the crime of Smuggling Goods from
28 the United States. The government is not required to prove

1 precisely which defendant actually committed the crime and which
2 defendant aided and abetted.

3 Defendant understands that for defendant to be guilty of the
4 crime charged in Count Twenty-Seven, that is, Wildlife
5 Trafficking, in violation of Title 16, United States Code,
6 Sections 3372(a)(1) and 3373(d)(1)(A), the following must be
7 true: (1) the defendant knowingly exported wildlife; and (2) the
8 defendant knew that the exported wildlife had been transported or
9 sold in violation of or in a manner unlawful under United States
10 law or regulations, or that (1) the crime of Wildlife Trafficking
11 was committed by someone; (2) the defendant knowingly and
12 intentionally aided, counseled, commanded, induced or procured
13 that person to commit each element of Wildlife Trafficking; and
14 (3) the defendant acted before the crime was completed. It is
15 not enough that the defendant merely associated with the person
16 committing the crime, or unknowingly or unintentionally did
17 things that were helpful to that person, or was present at the
18 scene of the crime. The evidence must show beyond a reasonable
19 doubt that the defendant acted with the knowledge and intention
20 of helping that person commit the crime of Smuggling Goods from
21 the United States. The government is not required to prove
22 precisely which defendant actually committed the crime and which
23 defendant aided and abetted.

24 Defendant understands that for defendant to be guilty of the
25 crime charged in Count Thirty-Two, that is, Money Laundering, in
26 violation of Title 18, United States Code, Section
27 1956(a)(1)(A)(i), the following must be true: (1) defendant
28 conducted or intended to conduct a financial transaction

1 involving property that represented the proceeds of export of
2 wildlife contrary to law; (2) the defendant knew that the
3 property represented the proceeds of export of wildlife contrary
4 to law; (3) the defendant acted with the intent to promote the
5 carrying on of export of wildlife contrary to law; and (4) the
6 defendant did something that was a substantial step toward
7 committing the crime.

8 PENALTIES

9 10. Defendant understands that the statutory maximum
10 sentence that the Court can impose for a violation of Title 18,
11 United States Code, Section 371, is: five years imprisonment; a
12 three-year period of supervised release; a fine of \$250,000 or
13 twice the gross gain or gross loss resulting from the offense,
14 whichever is greatest; and a mandatory special assessment of
15 \$100.

16 Defendant understands that the statutory maximum sentence
17 that the Court can impose for a violation of Title 18, United
18 States Code, Section 554, is: ten years imprisonment; a three-
19 year period of supervised release; a fine of \$250,000 or twice
20 the gross gain or gross loss resulting from the offense,
21 whichever is greatest; and a mandatory special assessment of
22 \$100.

23 Defendant understands that the statutory maximum sentence
24 that the Court can impose for a violation of Title 16, United
25 States Code, Sections 3372(a)(1) and 3373(d)(1)(A), is: five
26 years imprisonment; a three-year period of supervised release; a
27 fine of \$250,000 or twice the gross gain or gross loss resulting
28 from the offense, whichever is greatest; and a mandatory special

1 assessment of \$100.

2 Defendant understands that the statutory maximum sentence
3 that the Court can impose for a violation of Title 18, United
4 States Code, Section 1956(a)(1)(A)(i), is: 20 years imprisonment;
5 a three-year period of supervised release; a fine of \$500,000 or
6 twice the gross gain or gross loss resulting from the offense,
7 whichever is greatest; and a mandatory special assessment of
8 \$100.

9 11. Defendant understands, therefore, that the total
10 maximum sentence for all offenses to which defendant is pleading
11 guilty is: 40 years imprisonment; a three-year period of
12 supervised release; a fine of \$1,250,000 or twice the gross gain
13 or gross loss resulting from the offenses, whichever is greatest;
14 and a mandatory special assessment of \$400.

15 12. The Court will also order forfeiture of the property
16 listed above in paragraph 3, or substitute assets up to the value
17 of that property.

18 13. Defendant understands that supervised release is a
19 period of time following imprisonment during which defendant will
20 be subject to various restrictions and requirements. Defendant
21 understands that if defendant violates one or more of the
22 conditions of any supervised release imposed, defendant may be
23 returned to prison for all or part of the term of supervised
24 release authorized by statute for the offense that resulted in
25 the term of supervised release, which could result in defendant
26 serving a total term of imprisonment greater than the statutory
27 maximum stated above.

28 14. Defendant understands that, by pleading guilty,

1 defendant may be giving up valuable government benefits and
2 valuable civic rights, such as the right to vote, the right to
3 possess a firearm, the right to hold office, and the right to
4 serve on a jury. Defendant understands that once the court
5 accepts defendant's guilty pleas, it will be a federal felony for
6 defendant to possess a firearm or ammunition. Defendant
7 understands that the conviction in this case may also subject
8 defendant to various other collateral consequences, including but
9 not limited to revocation of probation, parole, or supervised
10 release in another case and suspension or revocation of a
11 professional license. Defendant understands that unanticipated
12 collateral consequences will not serve as grounds to withdraw
13 defendant's guilty pleas.

14 15. Defendant understands that, if defendant is not a
15 United States citizen, the felony convictions in this case may
16 subject defendant to: removal, also known as deportation, which
17 may, under some circumstances, be mandatory; denial of
18 citizenship; and denial of admission to the United States in the
19 future. The court cannot, and defendant's attorney also may not
20 be able to, advise defendant fully regarding the immigration
21 consequences of the felony conviction in this case. Defendant
22 understands that unexpected immigration consequences will not
23 serve as grounds to withdraw defendant's guilty pleas.

24 FACTUAL BASIS

25 16. Defendant admits that defendant is, in fact, guilty of
26 the offenses to which defendant is agreeing to plead guilty.
27 Defendant and the USAO agree to the statement of facts provided
28 in Attachment A to this plea agreement and agree that this

1 statement of facts is sufficient to support pleas of guilty to
2 the charges described in this agreement and to establish the
3 Sentencing Guidelines factors set forth in paragraph 18 below but
4 is not meant to be a complete recitation of all facts relevant to
5 the underlying criminal conduct or all facts known to either
6 party that relate to that conduct.

7 SENTENCING FACTORS

8 17. Defendant understands that in determining defendant's
9 sentence the Court is required to calculate the applicable
10 Sentencing Guidelines range and to consider that range, possible
11 departures under the Sentencing Guidelines, and the other
12 sentencing factors set forth in 18 U.S.C. § 3553(a). Defendant
13 understands that the Sentencing Guidelines are advisory only,
14 that defendant cannot have any expectation of receiving a
15 sentence within the calculated Sentencing Guidelines range, and
16 that after considering the Sentencing Guidelines and the other
17 Section 3553(a) factors, the Court will be free to exercise its
18 discretion to impose any sentence it finds appropriate up to the
19 maximum set by statute for the crimes of conviction.

20 //

21 //

22

23

24

25

26

27

28

OFFENSE LEVEL

18. Defendant and the USAO stipulate and agree to the following applicable Sentencing Guidelines factors:

<u>Base Offense Level</u>	:	6	[U.S.S.G. § 2Q2.1(a)]
<u>Specific Offense Characteristics</u>			
Offense committed for commercial gain or pattern of similar violations	:	+2	[U.S.S.G. § 2Q2.1(b)(1)]
Market value of wildlife	:	+16	[U.S.S.G. § 2Q2.1(b)(3)(A)(ii) with cross reference to § 2B1.1 with market value between \$1,000,000 and \$2,500,000]
<u>Adjustments</u>			
<u>Acceptance of Responsibility</u>	:	-3	[U.S.S.G. § 3E1.1(b)]

Total Offense Level : 21

The USAO will agree to a two-level downward adjustment for acceptance of responsibility (and, if applicable, move for an additional one-level downward adjustment under U.S.S.G. § 3E1.1(b)) only if the conditions set forth in paragraph 6(d) are met. Defendant understands that the government will recommend a four level upward adjustment to the offense level calculation for an Aggravated Role in the Offense pursuant to U.S.S.G. § 3B1.1(a). This would result in a Total Offense Level of 25. The defendant reserves the corresponding right to argue for no upward adjustment for his role in the offense under U.S.S.G. § 3B1.1(a). Subject to paragraph 30 below, defendant and the USAO agree not to seek, argue, or suggest in any way,

1 either orally or in writing, that any other specific offense
2 characteristics, adjustments, or departures, other than a
3 downward departure pursuant to § 5K1.1, relating to the offense
4 level be imposed. Defendant agrees, however, that if, after
5 signing this agreement but prior to sentencing, defendant were to
6 commit an act, or the USAO were to discover a previously
7 undiscovered act committed by defendant prior to signing this
8 agreement, which act, in the judgment of the USAO, constituted
9 obstruction of justice within the meaning of U.S.S.G. § 3C1.1,
10 the USAO would be free to seek the enhancement set forth in that
11 section.

12 19. Defendant understands that there is no agreement as to
13 defendant's criminal history or criminal history category.

14 20. Defendant reserves the right to argue for a sentence
15 outside the sentencing range established by the Sentencing
16 Guidelines based on the factors set forth in 18 U.S.C.
17 § 3553(a)(1), (a)(2), (a)(3), (a)(6), and (a)(7).

18 WAIVER OF CONSTITUTIONAL RIGHTS

19 21. Defendant understands that by pleading guilty,
20 defendant gives up the following rights:

- 21 a) The right to persist in a plea of not guilty.
22 b) The right to a speedy and public trial by jury.
23 c) The right to be represented by counsel - and if
24 necessary have the court appoint counsel - at trial. Defendant
25 understands, however, that, defendant retains the right to be
26 represented by counsel - and if necessary have the court appoint
27 counsel - at every other stage of the proceeding.
28 d) The right to be presumed innocent and to have the

1 burden of proof placed on the government to prove defendant
2 guilty beyond a reasonable doubt.

3 e) The right to confront and cross-examine witnesses
4 against defendant.

5 f) The right to testify and to present evidence in
6 opposition to the charges, including the right to compel the
7 attendance of witnesses to testify.

8 g) The right not to be compelled to testify, and, if
9 defendant chose not to testify or present evidence, to have that
10 choice not be used against defendant.

11 h) Any and all rights to pursue any affirmative
12 defenses, Fourth Amendment or Fifth Amendment claims, and other
13 pretrial motions that have been filed or could be filed.

14 WAIVER OF APPEAL OF CONVICTION

15 22. Defendant understands that, with the exception of an
16 appeal based on a claim that defendant's guilty pleas were
17 involuntary, by pleading guilty defendant is waiving and giving
18 up any right to appeal defendant's convictions on the offenses to
19 which defendant is pleading guilty.

20 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

21 23. Defendant agrees that, provided the Court imposes a
22 total term of imprisonment on all counts of conviction of no more
23 than 71 months, defendant gives up the right to appeal all of the
24 following: (a) the procedures and calculations used to determine
25 and impose any portion of the sentence; (b) the term of
26 imprisonment imposed by the Court; (c) the fine imposed by the
27 court, provided it is within the statutory maximum; (d) the term
28 of probation or supervised release imposed by the Court, provided

1 it is within the statutory maximum; and (e) any of the following
2 conditions of probation or supervised release imposed by the
3 Court: the standard conditions set forth in General Orders 318,
4 01-05, and/or 05-02 of this Court; and the drug testing
5 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d).

6 24. The USAO agrees that, provided (a) all portions of the
7 sentence are at or below the statutory maximum specified above
8 and (b) the Court imposes a term of imprisonment of no less than
9 57 months, the USAO gives up its right to appeal any portion of
10 the sentence.

11 RESULT OF WITHDRAWAL OF GUILTY PLEA

12 25. Defendant agrees that if, after entering guilty pleas
13 pursuant to this agreement, defendant seeks to withdraw and
14 succeeds in withdrawing defendant's guilty pleas on any basis
15 other than a claim and finding that entry into this plea
16 agreement was involuntary, then (a) the USAO will be relieved of
17 all of its obligations under this agreement, including in
18 particular its obligations regarding the use of Cooperation
19 Information; (b) in any investigation, criminal prosecution, or
20 civil, administrative, or regulatory action, defendant agrees
21 that any Cooperation Information and any evidence derived from
22 any Cooperation Information shall be admissible against
23 defendant, and defendant will not assert, and hereby waives and
24 gives up, any claim under the United States Constitution, any
25 statute, or any federal rule, that any Cooperation Information or
26 any evidence derived from any Cooperation Information should be
27 suppressed or is inadmissible; and (c) should the USAO choose to
28 pursue any charge that was either dismissed or not filed as a

1 result of this agreement, then (i) any applicable statute of
2 limitations will be tolled between the date of defendant's
3 signing of this agreement and the filing commencing any such
4 action; and (ii) defendant waives and gives up all defenses based
5 on the statute of limitations, any claim of pre-indictment delay,
6 or any speedy trial claim with respect to any such action, except
7 to the extent that such defenses existed as of the date of
8 defendant's signing this agreement.

9 EFFECTIVE DATE OF AGREEMENT

10 26. This agreement is effective upon signature and
11 execution of all required certifications by defendant,
12 defendant's counsel, and an Assistant United States Attorney.

13 BREACH OF AGREEMENT

14 27. Defendant agrees that if defendant, at any time after
15 the signature of this agreement and execution of all required
16 certifications by defendant, defendant's counsel, and an
17 Assistant United States Attorney, knowingly violates or fails to
18 perform any of defendant's obligations under this agreement ("a
19 breach"), the USAO may declare this agreement breached. For
20 example, if defendant knowingly, in an interview, before a grand
21 jury, or at trial, falsely accuses another person of criminal
22 conduct or falsely minimizes defendant's own role, or the role of
23 another, in criminal conduct, defendant will have breached this
24 agreement. All of defendant's obligations are material, a single
25 breach of this agreement is sufficient for the USAO to declare a
26 breach, and defendant shall not be deemed to have cured a breach
27 without the express agreement of the USAO in writing. If the
28 USAO declares this agreement breached, and the Court finds such a

1 breach to have occurred, then:

2 (a) If defendant has previously entered guilty pleas
3 pursuant to this agreement, defendant will not be able to
4 withdraw the guilty pleas.

5 (b) The USAO will be relieved of all its obligations
6 under this agreement; in particular, the USAO: (i) will no longer
7 be bound by any agreements concerning sentencing and will be free
8 to seek any sentence up to the statutory maximum for the crimes
9 to which defendant has pleaded guilty; (ii) will no longer be
10 bound by any agreements regarding criminal prosecution, and will
11 be free to criminally prosecute defendant for any crime,
12 including charges that the USAO would otherwise have been
13 obligated to dismiss or not to criminally prosecute pursuant to
14 this agreement; and (iii) will no longer be bound by any
15 agreement regarding the use of Cooperation Information and will
16 be free to use any Cooperation Information in any way in any
17 investigation, criminal prosecution, or civil, administrative, or
18 regulatory action.

19 c) The USAO will be free to criminally prosecute
20 defendant for false statement, obstruction of justice, and
21 perjury based on any knowingly false or misleading statement by
22 defendant.

23 d) In any investigation, criminal prosecution, or
24 civil, administrative, or regulatory action: (i) defendant will
25 not assert, and hereby waives and gives up, any claim that any
26 Cooperation Information was obtained in violation of the Fifth
27 Amendment privilege against compelled self-incrimination; and
28 (ii) defendant agrees that any Cooperation Information and any

1 Plea Information, as well as any evidence derived from any
2 Cooperation Information or any Plea Information, shall be
3 admissible against defendant, and defendant will not assert, and
4 hereby waives and gives up, any claim under the United States
5 Constitution, any statute, Rule 410 of the Federal Rules of
6 Evidence, Rule 11(f) of the Federal Rules of Criminal Procedure,
7 or any other federal rule, that any Cooperation Information, any
8 Plea Information, or any evidence derived from any Cooperation
9 Information or any Plea Information should be suppressed or is
10 inadmissible.

11 28. Following the Court's finding of a knowing breach of
12 this agreement by defendant, should the USAO choose to pursue any
13 charge that was either dismissed or not filed as a result of this
14 agreement, then:

15 a) Defendant agrees that any applicable statute of
16 limitations is tolled between the date of defendant's signing of
17 this agreement and the filing commencing any such action.

18 b) Defendant waives and gives up all defenses based on
19 the statute of limitations, any claim of pre-indictment delay, or
20 any speedy trial claim with respect to any such action, except to
21 the extent that such defenses existed as of the date of
22 defendant's signing this agreement.

23 COURT AND PROBATION OFFICE NOT PARTIES

24 29. Defendant understands that the Court and the United
25 States Probation Office are not parties to this agreement and
26 need not accept any of the USAO's sentencing recommendations or
27 the parties' agreements to facts or sentencing factors.

28 30. Defendant understands that both defendant and the USAO

1 are free to: (a) supplement the facts by supplying relevant
2 information to the United States Probation Office and the Court,
3 (b) correct any and all factual misstatements relating to the
4 Court's Sentencing Guidelines calculations and determination of
5 sentence, and (c) argue on appeal and collateral review that the
6 Court's Sentencing Guidelines calculations and the sentence it
7 chooses to impose are not error, although each party agrees to
8 maintain its view that the calculations in paragraph 18 are
9 consistent with the facts of this case. While this paragraph
10 permits both the USAO and defendant to submit full and complete
11 factual information to the United States Probation Office and the
12 Court, even if that factual information may be viewed as
13 inconsistent with the facts agreed to in this agreement, this
14 paragraph does not affect defendant's and the USAO's obligations
15 not to contest the facts agreed to in this agreement.

16 31. Defendant understands that even if the Court ignores
17 any sentencing recommendation, finds facts or reaches conclusions
18 different from those agreed to, and/or imposes any sentence up to
19 the maximum established by statute, defendant cannot, for that
20 reason, withdraw defendant's guilty pleas, and defendant will
21 remain bound to fulfill all defendant's obligations under this
22 agreement. Defendant understands that no one -- not the
23 prosecutor, defendant's attorney, or the Court -- can make a
24 binding prediction or promise regarding the sentence defendant
25 will receive, except that it will be within the statutory
26 maximum.

27 NO ADDITIONAL AGREEMENTS

28 32. Defendant understands that, except as set forth herein,

1 there are no promises, understandings, or agreements between the
2 USAO and defendant or defendant's attorney, and that no
3 additional promise, understanding, or agreement may be entered
4 into unless in a writing signed by all parties or on the record
5 in court.

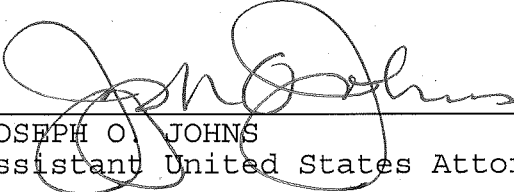
6 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

7 33. The parties agree that this agreement will be
8 considered part of the record of defendant's guilty plea hearing
9 as if the entire agreement had been read into the record of the
10 proceeding.

11 AGREED AND ACCEPTED

12 UNITED STATES ATTORNEY'S OFFICE
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

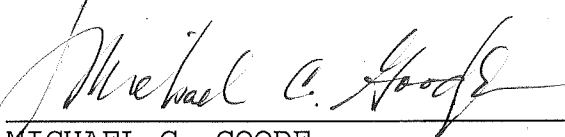
14 ANDRÉ BIROTTE JR.
15 United States Attorney

16 
17 _____
18 JOSEPH O. JOHNS
19 Assistant United States Attorney

20 5/31/12
Date

21 
22 _____
23 JARROD WADE STEFFEN
24 Defendant

25 5-31-12
Date

26 
27 _____
28 MICHAEL C. GOODE
Attorney for Defendant
Jarrod Wade Steffen

May 31, 2012
Date

CERTIFICATION OF DEFENDANT

1
2 I have read this agreement in its entirety. I have had
3 enough time to review and consider this agreement, and I have
4 carefully and thoroughly discussed every part of it with my
5 attorney. I understand the terms of this agreement, and I
6 voluntarily agree to those terms. I have discussed the evidence
7 with my attorney, and my attorney has advised me of my rights, of
8 possible pretrial motions that might be filed, of possible
9 defenses that might be asserted either prior to or at trial, of
10 the sentencing factors set forth in 18 U.S.C. § 3553(a), of
11 relevant Sentencing Guidelines provisions, and of the
12 consequences of entering into this agreement. No promises,
13 inducements, or representations of any kind have been made to me
14 other than those contained in this agreement. No one has
15 threatened or forced me in any way to enter into this agreement.
16 I am satisfied with the representation of my attorney in this
17 matter, and I am pleading guilty because I am guilty of the
18 charges and wish to take advantage of the promises set forth in
19 this agreement, and not for any other reason.

20
21 
22 JARROD WADE STEFFEN
Defendant

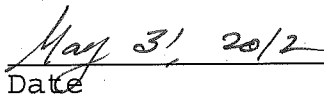
5-31-12
Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am Jarrod Wade Steffen's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of guilty pleas pursuant to this agreement.



MICHAEL C. GOODE
Attorney for Defendant
Jarrod Wade Steffen



Date

ATTACHMENT A

Factual Basis in Support of Plea Agreement

1
2
3 Beginning in or about February 2010, and continuing to on or
4 about February 18, 2012, Jarrod Wade Steffen ("defendant")
5 conspired and agreed with Jimmy Kha and Felix Kha that he would
6 purchase White and Black rhinoceros horn in interstate and
7 intrastate commerce on behalf of Jimmy Kha and Felix Kha.
8 Defendant knew that both Black and White rhinoceros were
9 protected by federal law as endangered and threatened species.
10 Defendant knew that it was illegal to purchase, transport,
11 receive, or sell Black rhinoceros horn in interstate commerce.
12 Defendant knew that Jimmy and Felix Kha did not care what type of
13 rhinoceros horn they were purchasing nor the illegal nature of
14 the transactions, they just did not want to get caught by law
15 enforcement.

16 Defendant knew that Jimmy and Felix Kha were purchasing
17 Black and White rhinoceros horn for the purpose of exporting or
18 shipping the horn overseas to be commercially sold for the
19 purpose of making traditional libation cups or traditional herbal
20 medicines. Defendant knew that it was illegal to export any
21 rhinoceros horn from the United States without permission from
22 the United States Fish and Wildlife Service ("USFWS"). Defendant
23 also knew that Jimmy Kha's girlfriend, Mai Nguyen, was involved
24 in the illegal purchases, shipments, and commercial export and
25 sales of the Black and White rhinoceros horn.

26 During the running of the conspiracy, defendant would
27 receive contact information from Felix Kha regarding individuals
28 located throughout the United States that were willing to sell

1 White or Black rhinoceros horn. On occasion, defendant would
 2 identify such individuals through his own research efforts.
 3 Between on or about February 2010 through April 2011, defendant
 4 purchased rhinoceros horn in interstate and intrastate commerce
 5 and shipped such horn to Jimmy and Felix Kha's Win Lee
 6 Corporation business located at 9641 Bolsa Avenue, Westminster,
 7 California. Between on or about May 2011 through February 2012,
 8 defendant purchased rhinoceros horn in interstate and intrastate
 9 commerce and shipped such horn to Mai Nguyen's business located
 10 at 7223 Church Street, Unit A-2, Highland, California.

11 During the conspiracy, defendant purchased dozens of pairs
 12 of Black and White rhinoceros horns and shipped them to Jimmy
 13 Kha, Felix Kha, and Mai Nguyen. On or about the dates listed
 14 below, defendant shipped, or caused to be shipped, in interstate
 15 commerce for a commercial purpose, Black and White rhinoceros
 16 horn to Jimmy Kha, Felix Kha, and Mai Nguyen at the addresses
 17 listed:

Date	Receiving Address
06/07/10	9641 Bolsa Avenue, Westminster, CA
06/07/10	9641 Bolsa Avenue, Westminster, CA
06/07/10	9641 Bolsa Avenue, Westminster, CA
06/24/10	9641 Bolsa Avenue, Westminster, CA
06/28/10	9641 Bolsa Avenue, Westminster, CA
07/06/10	9641 Bolsa Avenue, Westminster, CA
10/08/10	9641 Bolsa Avenue, Westminster, CA
11/09/10	9641 Bolsa Avenue, Westminster, CA
11/17/10	9641 Bolsa Avenue, Westminster, CA

1	12/30/10	9641 Bolsa Avenue, Wesminster, CA
2	01/07/11	9641 Bolsa Avenue, Wesminster, CA
3	03/04/11	9641 Bolsa Avenue, Wesminster, CA
4	03/23/11	9641 Bolsa Avenue, Wesminster, CA
5	04/01/11	9641 Bolsa Avenue, Wesminster, CA
6	04/11/11	9641 Bolsa Avenue, Wesminster, CA
7	05/10/11	7223 Church Street, Unit A-2, Highland, CA
8	05/20/11	7223 Church Street, Unit A-2, Highland, CA
9	06/07/11	7223 Church Street, Unit A-2, Highland, CA
10	06/14/11	7223 Church Street, Unit A-2, Highland, CA
11	07/27/11	7223 Church Street, Unit A-2, Highland, CA
12	08/30/11	7223 Church Street, Unit A-2, Highland, CA
13	09/02/11	7223 Church Street, Unit A-2, Highland, CA
14	09/13/11	7223 Church Street, Unit A-2, Highland, CA
15	09/22/11	7223 Church Street, Unit A-2, Highland, CA
16	10/03/11	7223 Church Street, Unit A-2, Highland, CA
17	10/13/11	7223 Church Street, Unit A-2, Highland, CA
18	10/27/11	7223 Church Street, Unit A-2, Highland, CA
19	10/31/11	7223 Church Street, Unit A-2, Highland, CA
20	11/08/11	7223 Church Street, Unit A-2, Highland, CA
21	01/23/12	7223 Church Street, Unit A-2, Highland, CA
22	01/25/12	7223 Church Street, Unit A-2, Highland, CA
23	02/02/12	7223 Church Street, Unit A-2, Highland, CA
24	02/02/12	7223 Church Street, Unit A-2, Highland, CA

//

//

1 On or about the following dates, defendant traveled to Long
 2 Beach, California, from the locations listed below to receive
 3 compensation from Jimmy Kha, Felix Kha, and Mai Nguyen, for
 4 previous rhinoceros horn purchases and shipments, and to receive
 5 money to fund future purchases and shipments of rhinoceros horn:

Travel Date	Traveled From
08/08/09	Omaha, NE
05/11/10	Chicago, IL
11/03/10	Milwaukee, WI
12/03/10	Chicago, IL
03/28/11	Dallas, TX
06/04/11	Austin, TX
07/19/11	Chicago, IL
08/09/11	Omaha, NE
10/05/11	Chicago, IL
02/08/12	Chicago, IL

17 Defendant knew that the money that he received from Jimmy Kha,
 18 Felix Kha, and Mai Nguyen, to fund future illegal purchases of
 19 rhinoceros horn constituted proceeds and profits from the illegal
 20 export of rhinoceros horn by Jimmy Kha, Felix Kha, and Mai
 21 Nguyen. Defendant knew that Jimmy Kha, Felix Kha, and Mai Nguyen
 22 were funding illegal purchases of rhinoceros horn from proceeds
 23 derived from illegal sales of rhinoceros horn. Specifically, on
 24 or about the February 8, 2012 date listed above, defendant,
 25 traveled from Chicago, Illinois to Long Beach, California, to
 26 knowingly and willfully receive from Felix Kha and Mai Nguyen
 27 approximately \$337,000 in U.S. currency as compensation for prior
 28 rhinoceros horn purchases and shipments and to be used to fund

1 future rhinoceros horn purchases.

2 On or about October 27, 2011, defendant knowingly and
3 willfully aided and abetted Jimmy Kha, Felix Kha, Mai Nguyen, and
4 Win Lee Corporation to knowingly export wildlife, namely Black
5 rhinoceros horn, that had been, prior to the export, (1) carried,
6 transported, and shipped in interstate commerce in the course of
7 commercial activity, and (2) sold in interstate commerce.

8 On or about January 23, 2012, defendant received, bought,
9 sold, and facilitated the transportation of merchandise, namely
10 Black rhinoceros horn, prior to exportation, knowing that such
11 rhinoceros horn was intended for exportation contrary to any law
12 or regulation of the United States.

13 During the conspiracy, defendant knew that Jimmy Kha, Felix
14 Kha, and Mai Nguyen were paying, on average, between \$5,000 to
15 \$7,000 per pound of rhinoceros horn. The Black and White
16 rhinoceros horn acquired by defendant during the conspiracy and
17 shipped to Jimmy Kha, Felix Kha, and Mai Nguyen for export and
18 sale overseas has a fair market value between, at a minimum,
19 \$1,000,000 to \$2,500,000.

20

21

22

23

24

25

26

27

28