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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)	NO. CR 21-00096 EMC
14 Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
15 v.)	SETTING CHANGE OF PLEA HEARING
16 SANDRA ANN ZUNIGA,)	
17 Defendant.)	
18 _____)	

19 The parties have reached an agreement to resolve the charge against the defendant. An executed
20 plea agreement, attached as Exhibit 1, reflects the parties’ agreement. In order to expedite this matter,
21 and in light of the current COVID-19 pandemic, the parties are hereby requesting that a change of plea
22 hearing be held by videoconference on March 18, 2021, or as soon thereafter as convenient to the
23 Court.¹

24
25
26 _____
27 ¹ The government has also filed a notice of related case for this matter as to *U.S. v. Nick Bovis*,
28 No. 20-CR-00204 WHO, *U.S. v. Walter Wong*, No. 20-CR-00257 WHO, *U.S. v. Balmore Hernandez*,
No. 20-CR-00353 WHO, and *U.S. v. Florence Kong*, No. 20-CR-00354 WHO. Subject to the Court’s
discretion, the requested date above reflects a date on which Judge Orrick normally holds his criminal
calendar.

1 The defendant voluntarily wishes to appear by video conference, has been advised by counsel,
2 and understands the following: (1) she has the right under the Constitution and the Federal Rules of
3 Criminal Procedure to be present at the proceeding; and (2) she understands that video conferencing is
4 the projection of live camera video and audio between participants.

5 It is further stipulated between the parties that: (1) in light of the COVID-19 pandemic, the
6 change of plea hearing cannot be conducted in person without seriously jeopardizing public health and
7 safety; and (2) in light of the importance of the case to the public interest and the need to move forward
8 expeditiously, there are specific reasons that the change of plea cannot be further delayed without
9 serious harm to the interests of justice.

10 SO STIPULATED.

12 DATED: March 9, 2021

STEPHANIE M. HINDS
Acting United States Attorney

14 _____
/s/
ALEXANDRA SHEPARD
SCOTT D. JOINER
Assistant United States Attorneys

17 DATED: March 9, 2021

18 _____
/s/
GALIA AMRAM
Counsel for Defendant

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20 ///
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[PROPOSED] ORDER

Pursuant to stipulation, the above-captioned matter will be set for a change of plea hearing on _____ at _____. The parties will appear by videoconference. The Court finds that in light of the ongoing COVID-19 pandemic, the hearing cannot be conducted in person without seriously jeopardizing public health and safety; and (2) there are specific reasons that the change of plea cannot be further delayed without serious harm to the interests of justice.

IT IS SO ORDERED.

DATED: _____

HON. EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE

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EXHIBIT 1

Plea Agreement

1 STEPHANIE M. HINDS (CABN 154284)
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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) NO. CR 21-00096
15)
16 Plaintiff,) PLEA AGREEMENT
17)
18 v.)
19 SANDRA ANN ZUNIGA,)
Defendant.)

20 I, Sandra Ann Zuniga, and the United States Attorney’s Office for the Northern District of
21 California (hereafter “the government”) enter into this written Plea Agreement (the “Agreement”)
22 pursuant to Rule 11(c)(1)(A) and 11(c)(1)(B) of the Federal Rules of Criminal Procedure:
23

24 The Defendant’s Promises

25 1. I agree to plead guilty to Count One of the captioned Information charging me with
26 Conspiracy to Commit Money Laundering in violation of 18 U.S.C. §§ 1956(h). I agree that the elements
27 of the offense are as follows: (1) I agreed with another to conduct or attempt to conduct a financial
28 transaction; (2) knowing that the property involved in the financial transaction represented the proceeds

1 of some form of unlawful activity; (3) which in fact involved the proceeds of specified unlawful activity
2 (namely, honest services wire fraud); and (4) I acted knowing the transaction was designed in whole or
3 part to disguise the nature, location, source, ownership, or control of the proceeds of the specified
4 unlawful activity.

5 I agree that the maximum penalties are as follows:

- 6 a. Maximum prison term 20 years
- 7 b. Maximum fine \$500,000 or twice the value
8 of the monetary instrument or
9 funds involved in the
10 transaction
- 11 c. Maximum supervised release term 3 years
- 12 d. Restitution
- 13 e. Mandatory special assessment \$100 per felony count
- 14 f. Potential Deportation
- 15 g. Forfeiture

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

18 [SEE EXHIBIT A FILED UNDER SEAL]

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

24 4. I agree to give up my right to appeal my conviction, including constitutional challenges
25 to the statute of conviction. I agree to give up my right to appeal the judgment and all orders of the
26 Court. I also agree to give up my right to appeal any aspect of my sentence, including any orders relating
27 to forfeiture and/or restitution, reserving only my right to claim that my sentence violated this plea
28 agreement, applicable law, or the Constitution. I reserve my right to claim that my counsel was

1 ineffective. I understand that this waiver includes, but is not limited to, any and all constitutional or legal
2 challenges to my conviction and guilty plea, including arguments that the statute to which I am pleading
3 guilty is unconstitutional, and any and all claims that the statement of facts provided herein is insufficient
4 to support my plea of guilty.

5 5. I agree not to file any collateral attack on my conviction or sentence, including a petition
6 under 28 U.S.C. § 2255 or 28 U.S.C. § 2241, except that I reserve my right to claim that my counsel was
7 ineffective.

8 6. I agree not to ask the Court to withdraw my guilty plea at any time after it is entered. In
9 the event I violate any of the terms of the Agreement, I agree that the facts set forth in Paragraph 2 of
10 this Agreement and, if applicable, the fact that I made a sworn admission to them in a previous court
11 proceeding, shall be admissible against me in any subsequent proceeding, including at trial. In any
12 subsequent proceeding conducted after I violate any of the terms of the Agreement, I expressly waive
13 any and all rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 with regard to the facts set forth in
14 Paragraph 2 of the Agreement and, if applicable, the fact that I made a sworn admission to them at a
15 previous court proceeding.

16 7. I understand that the Court must consult the United States Sentencing Guidelines and
17 take them into account when sentencing, together with the factors set forth in 18 U.S.C. § 3553(a). I
18 also agree that the sentencing range will be calculated by the Court and that other than joining in a
19 possible government downward departure pursuant to U.S.S.G. § 5K1.1 and/or 18 U.S.C. § 3553(e), I
20 will not ask for any other adjustment to or reduction in the offense level or for a downward departure
21 from the Guidelines range as determined by the Court. I reserve my right to argue for a variance from
22 the Guidelines range determined by the Court based on 18 U.S.C. § 3553(a) factors, and I understand
23 that the government is free to oppose any such request. I further understand that regardless of the
24 sentence that the Court imposes on me, I will not be entitled, nor will I ask, to withdraw my guilty plea.

25 8. I agree that regardless of any other provision of this Agreement, the government may and
26 will provide the Court and the Probation Office with all information relevant to the charged offense and
27 the sentencing decision, including any victim impact statements and letters from the victim(s), and/or
28

1 their friends and family. I agree that, based on the nature of the offense, the Court should impose the
2 following special condition of supervised release which is reasonably related to deterrence and
3 rehabilitation:

4 Special Condition (Searches)

5 The defendant shall submit her person, residence, office, vehicle, electronic
6 devices and their data (including cell phones, computers, and electronic storage
7 media), and any property under defendant's control to a search. Such a search
8 shall be conducted by a United States Probation Officer or any federal, state, or
9 local law enforcement officer at any time, with or without suspicion. Failure to
10 submit to such a search may be grounds for revocation; the defendant shall warn
11 any residents that the premises may be subject to searches.

12 9. I agree that I will make a good-faith effort to pay any fine, forfeiture, or restitution I am
13 ordered to pay. I agree to pay the special assessment at the time of sentencing.

14 I agree to pay full restitution for all losses caused by all the schemes or offenses with which I
15 was charged in this case, and I understand that the amount of restitution will not be limited to the loss
16 attributable to the count to which I am pleading guilty, pursuant to 18 U.S.C. § 3663(a)(3). I understand
17 that the Court will not consider my economic circumstances in determining the restitution amount. I
18 agree to pay restitution in an amount to be set by the Court at the time of sentencing.

19 Any restitution payments shall be paid through the Office of the Clerk of the District Court by
20 bank or cashier's check or money order made payable to the "Clerk, United States District Court."

21 I understand that the restitution described above creates a lien in favor of the United States on all
22 property and rights to property I may possess upon entry of judgment and continues for the later of 20
23 years from the entry of judgment or 20 years after release from imprisonment or until the debt is paid in
24 full. I further understand the government will record a notice of the lien in any county where I reside or
25 have property. I further understand that this order of restitution cannot be discharged in bankruptcy and
26 that if I default on the payment of a fine or restitution, the Court may revoke probation or a term of
27 supervised release, modify the terms or conditions of probation or supervised release, resentence me,
28 hold me in contempt of court, order the sale of property, enter or adjust a payment schedule, or take any
other action necessary to obtain compliance.

At least sixty days prior to sentencing, I agree to complete, under penalty of perjury, a financial

1 statement provided by the U.S. Attorney’s Office and to update that statement with material changes
2 within seven days of the change. I understand that I must identify all assets and financial interests
3 valued at more than \$1,000. I further understand that these assets and financial interests include all
4 assets and financial interests in which I have an interest, direct or indirect, whether held in my own name
5 or in the name of another, in any property, real or personal.

6 I agree to surrender assets I obtained as a result of my crimes, and release funds and property
7 under my control in order to pay any fine, forfeiture, or restitution. I further agree to notify the Financial
8 Litigation Unit, United States Attorney’s Office (“FLU”) before transferring any interest in property
9 owned directly or indirectly by me, including any interest held or owned under any other name or entity,
10 including trusts, partnerships, and/or corporations. I also agree to notify the FLU of any interest in
11 property I may obtain, directly or indirectly, including any interest obtained under any other name, or
12 entity, including a trust, partnership, or corporation, after the execution of this Plea Agreement until the
13 fine or restitution is paid in full.

14 I agree that any fine, forfeiture, or restitution imposed by the Court against me will be due
15 immediately and subject to immediate enforcement by the government as authorized by 18 U.S.C.
16 § 3613. I further understand that the government may seek immediate collection of the entire fine,
17 forfeiture, or restitution from any assets without regard to any schedule of payments imposed by the
18 Court or established by the Probation Office and that monetary penalties imposed by the Court will be
19 submitted to the Treasury Offset Program so that any federal payment or transfer of returned property I
20 receive may be offset and applied to federal debts.

21 10. I agree to cooperate with the U.S. Attorney’s Office before and after I am sentenced. My
22 cooperation will include, but will not be limited to, the following:

- 23 a. I will meet with the government when requested;
- 24 b. I will respond truthfully and completely to any and all questions put to me, whether in
25 interviews, before a grand jury, or at any trial or other proceeding;
- 26 c. I will provide all documents and other material asked for by the government;
- 27 d. I will testify truthfully at any grand jury, court, or other proceeding as requested by the
28 government;
- e. I will surrender any and all assets acquired or obtained directly or indirectly as a result of

1 my illegal conduct;

2 f. I will request continuances of my sentencing date, as necessary, until my cooperation is
3 completed;

4 g. I will participate in undercover activities under the supervision of law enforcement agents
5 or the U.S. Attorney's Office.

6 11. I agree that the government's decision whether to file a motion pursuant to U.S.S.G.
7 § 5K1.1 or 18 U.S.C. § 3553(e), as described in the government promises section below, is based on its
8 sole and exclusive decision of whether I have provided substantial assistance and that decision will be
9 binding on me. I understand that the government's decision whether to file such a motion, or the extent
10 of the departure recommended by any motion, will not depend on whether convictions are obtained in
11 any case. I also understand that the Court will not be bound by any recommendation made by the
12 government.

13 12. I agree not to commit or attempt to commit any crimes before sentence is imposed or
14 before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial release; not
15 to intentionally provide false information to the Court, the Probation Office, Pretrial Services, or the
16 government; and not to fail to comply with any of the other promises I have made in this Agreement. I
17 agree not to have any contact with any victims or witnesses in this case, either directly or indirectly,
18 before and after I am sentenced. This includes, but is not limited to, personal contact, telephone, mail,
19 or electronic mail contact, or any other written form of communication, and includes any harassing,
20 annoying, or intimidating conduct by me directed to any victims or witnesses. I agree that the Court
21 may also include this no-contact provision as a condition of my supervised release term. I agree that if I
22 fail to comply with any promises I have made in this Agreement, then the government will be released
23 from all of its promises in this Agreement, including those set forth in the Government's Promises
24 Section below, but I will not be released from my guilty pleas.

25 I agree to abide by all of the terms of my pre-trial release pending sentencing. However, I agree
26 to be remanded to the custody of the United States Marshal at any time prior to my sentencing if
27 requested by Pre-Trial Services, Probation or the government or as ordered by the Court.

28 13. If I am prosecuted after failing to comply with any promises I made in this Agreement,

1 then (a) I agree that any statements I made to any law enforcement or other government agency or in
2 Court, whether or not made pursuant to the cooperation provisions of this Agreement, may be used in
3 any way; (b) I waive any and all claims under the United States Constitution, Rule 11(f) of the Federal
4 Rules of Criminal Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal statute or
5 rule, to suppress or restrict the use of my statements, or any leads derived from those statements; and (c)
6 I waive any defense to any prosecution that it is barred by a statute of limitations, if the limitations
7 period has run between the date of this Agreement and the date I am indicted.

8 14. I agree that this Agreement contains all of the promises and agreements between the
9 government and me, that this Agreement supersedes all previous agreements that I had with the
10 government (including any “proffer” agreement), and I will not claim otherwise in the future. No
11 modification of this Agreement shall be effective unless it is in writing and signed by all parties.

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

14 The Government’s Promises

15 16. The government agrees not to file any additional charges against the defendant that could
16 be filed as a result of the investigation that led to the captioned Information, so long as the defendant has
17 fully disclosed such conduct to the government and otherwise complied fully with this Agreement.

18 17. If, in its sole and exclusive judgment, the government decides that the defendant has
19 cooperated fully and truthfully, provided substantial assistance to law enforcement authorities within the
20 meaning of U.S.S.G. § 5K1.1, and otherwise complied fully with this Agreement, it will file with the
21 Court a motion under § 5K1.1 and/or 18 U.S.C. § 3553 that explains the nature and extent of the
22 defendant’s cooperation and recommends a downward departure.

23 The Defendant’s Affirmations

24 18. I confirm that I have had adequate time to discuss this case, the evidence, and the
25 Agreement with my attorney and that my attorney has provided me with all the legal advice that I
26 requested.

27 19. I confirm that while I considered signing this Agreement, and at the time I signed it, I
28

1 was not under the influence of any alcohol, drug, or medicine that would impair my ability to understand
2 the Agreement.

3 20. I confirm that my decision to enter a guilty plea is made knowing the charges that have
4 been brought against me, any possible defense, and the benefits and possible detriments of proceeding to
5 trial. I also confirm that my decision to plead guilty is made voluntarily, and no one coerced or
6 threatened me to enter into this Agreement.

7
8 Dated: 3/8/21


SANDRA ANN ZUNIGA
Defendant

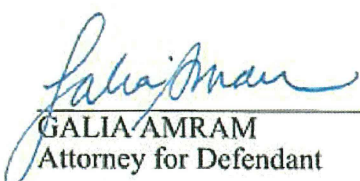
STEPHANIE M. HINDS
Acting United States Attorney

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12 Dated: 3/8/21


ALEXANDRA J. SHEPARD
SCOTT D. JOINER
Assistant United States Attorney

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

19
20 Dated: 3/8/2021


GALIA AMRAM
Attorney for Defendant

**PLEA AGREEMENT EXHIBIT A
TO BE FILED UNDER SEAL**