

Judge Zilly

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY
BY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

1 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 LAURYN GALINDO,

13 Defendant.

NO. CR 03-0187Z
(W.D. of Washington)

PLEA AGREEMENT

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

19 LAURYN GALINDO,

20 Defendant.

NO. CR 03-00178DAE - CR04-270Z
(District of Hawaii)

PLEA AGREEMENT

23 The United States of America, by and through John McKay, United States
24 Attorney for the Western District of Washington, Douglas B. Whalley and James M.
25 Lord, Assistant United States Attorneys for the Western District of Washington,
26 Edward H. Kubo, Jr., United States Attorney for the District of Hawaii, J. Michael
27 Seabright, Assistant United States Attorney for the District of Hawaii, and Michael E.
28 Barr, Trial Attorney for the Domestic Security Section, Department of Justice, and the

1 Defendant, LAURYN GALINDO, and her attorney, Jay Stansell, enter into the
2 following Agreement, pursuant to Federal Rule of Criminal Procedure 11(c):

3 1. The Charge(s). Defendant, having been advised of the right to have this
4 matter tried before a jury, agrees to waive that right and enter a plea of guilty to the
5 following charges contained in **Counts 1 and 2 of the Information** filed in the Western
6 District of Washington (CR 03-0187Z), respectively:

7 a. Conspiracy to Commit Visa Fraud (18 U.S.C. § 1546(a)), in
8 violation of Title 18, United States Code, Section 371; and

9 b. Conspiracy to Commit Money Laundering (18 U.S.C.
10 § 1956(a)(2)(A)), in violation of Title 18, United States Code,
11 Section 1956(h).

12 Defendant, having been advised of the right to have this matter tried before a
13 jury, further agrees to enter a plea of guilty to **Count 3 of the Superseding Indictment**
14 returned in the District of Hawaii (CR 03-00178DAE), charging Defendant with
15 Structuring, in violation of Title 31, United States Code, Sections 5324(a)(3) and
16 5324(c)(1) (1998 edition); and Title 31, Code of Federal Regulations, Section 103.11
17 (1998 edition). The parties agree that this plea may be entered in the Western District
18 of Washington, pursuant to Rule 20 of the Federal Rules of Criminal Procedure.

19 By entering these guilty pleas, Defendant hereby waives all objections to the
20 form of the charging documents.

21 2. Elements of the Offense. The elements of the offense of **Conspiracy to**
22 **Commit Visa Fraud**, as charged in Count 1 of the Information, are as follows:

23 a. There was an agreement between two or more persons to commit
24 visa fraud;

25 b. Defendant joined the conspiracy knowing of its object and
26 intending to help accomplish it; and

27 c. One of the members of the conspiracy performed at least one overt
28 act for the purpose of carrying out the conspiracy.

1 The elements of the offense of Visa Fraud are that Defendant knowingly
2 obtained, or caused to be obtained, an immigrant visa authorizing entry into the United
3 States; and that Defendant did so knowing that it was obtained by means of a false
4 claim or statement, or otherwise procured by fraud.

5 The elements of the offense of **Conspiracy to Launder Money**, as charged in
6 Count 2 of the Information, are as follows:

7 a. There was an agreement between two or more persons to commit
8 the offense of Money Laundering; and

9 b. Defendant joined the conspiracy knowing of its object and
10 intending to help accomplish it.

11 The elements of the offense of Money Laundering are that Defendant knowingly
12 transmitted funds, or caused funds to be transmitted, from a place in the United States
13 to a place outside the United States or to a place in the United States from a place
14 outside of the United States; and that the Defendant did so with the intent to promote
15 the carrying on of visa fraud.

16 The elements of the offense of **Structuring**, as charged in Count 3 of the
17 Superseding Indictment returned in the District of Hawaii, are as follows:

18 a. Defendant knowingly structured a financial transaction with a
19 domestic financial institution, by breaking down a single sum of United States currency
20 exceeding \$10,000 into smaller sums; and

21 b. Defendant did so for the purpose of evading the reporting
22 requirements of 31 U.S.C. § 5313(a) and the regulations promulgated thereunder,
23 which require financial institutions to file a report of financial transactions involving
24 more than \$10,000 in United States currency.

25 3. The Penalties. Defendant understands that the statutory penalty for the
26 offense charged in **Count 1 of the Information** is imprisonment for up to five (5)
27 years, a fine of up to \$250,000, a period of supervised release of up to three years, and
28 a Special Assessment of \$100; and for the offense charged in **Count 2 of the**

1 **Information** is imprisonment for up to twenty (20) years, a fine of up to \$500,000 or
2 twice the value of the laundered property, a period of supervised release of up to three
3 years, and a Special Assessment of \$100. Defendant understands that the statutory
4 penalty for the offense charged in **Count 3 of the Superseding Indictment** returned in
5 the District of Hawaii is imprisonment for up to five (5) years, a fine of up to
6 \$250,000, a period of supervised release of up to three years, and a Special Assessment
7 of \$100.

8 The Defendant agrees that the penalty assessments shall be paid at or before the
9 time of sentencing. Defendant agrees that any monetary penalty the Court imposes,
10 including the special assessment, fine, costs or restitution, is due and payable
11 immediately, and further agrees to submit a completed Financial Statement of Debtor
12 form as requested by the United States Attorney's Office.

13 Defendant understands that supervised release is a period of time following
14 imprisonment during which she will be subject to certain restrictions and requirements.
15 Defendant further understands that if supervised release is imposed and she violates one
16 or more of its conditions, she could be returned to prison for all or part of the term of
17 supervised release that was originally imposed. This could result in Defendant serving
18 a total term of imprisonment greater than the statutory maximum stated above.

19 4. Rights Waived by Pleading Guilty. Defendant understands that, by
20 pleading guilty, she knowingly and voluntarily waives the following rights:

21 a. The right to plead not guilty, and to persist in a plea of not guilty;

22 b. The right to a speedy and public trial before a jury of Defendant's
23 peers;

24 c. The right to the effective assistance of counsel at trial, including, if
25 Defendant could not afford an attorney, the right to have the Court appoint one for
26 Defendant;

27 d. The right to be presumed innocent until guilt has been established
28 at trial, beyond a reasonable doubt;

1 e. The right to confront and cross-examine witnesses against
2 Defendant at trial;

3 f. The right to compel or subpoena witnesses to appear on
4 Defendant's behalf at trial;

5 g. The right to testify or to remain silent at trial, at which trial such
6 silence could not be used against Defendant; and

7 h. The right to appeal a finding of guilt or any pretrial rulings.

8 5. Applicability of Sentencing Guidelines. Defendant understands and
9 acknowledges the following:

10 a. The United States Sentencing Guidelines, promulgated by the
11 United States Sentencing Commission, are applicable to this case;

12 b. The Court will determine Defendant's applicable Sentencing
13 Guidelines range at the time of sentencing;

14 c. The Court may impose any sentence authorized by law, including a
15 sentence that, under some circumstances, departs from any applicable Sentencing
16 Guidelines range up to the maximum term authorized by law;

17 d. The Court is not bound by any recommendation regarding the
18 sentence to be imposed, or by any calculation or estimation of the Sentencing
19 Guidelines range offered by the parties, or by the United States Probation Department;
20 and

21 e. Defendant may not withdraw a guilty plea solely because of the
22 sentence imposed by the Court.

23 6. Ultimate Sentence. Defendant acknowledges that no one has promised or
24 guaranteed what sentence the Court will impose.

25 7. Statement of Facts. The parties agree on the following facts in support of
26 Defendant's guilty plea and for purposes of calculating the base offense level of the
27
28

1 Sentencing Guidelines. Defendant admits she is guilty of the charged offenses.

2 a. **Count 1 of Seattle Information**

- 3 1. The Defendant acknowledges that the Government has evidence
4 supporting all of the facts alleged in Count 1 of the Information;
5 and that the overt acts set forth in sub-paragraphs 7(1)-(157) of that
6 Count which are attributed to her are true.
- 7 2. Between about January 1997 and December 2001, the Defendant
8 entered into an agreement with other co-conspirators to obtain
9 immigrant visas authorizing entry into the United States, knowing,
10 or acting with deliberate ignorance of the truth, that they were
11 procured by false claims, statements, and fraud.
- 12 3. The Defendant and co-conspirators instructed adoption clients both
13 orally and through written instructions concerning the completion
14 of United States Department of State ("State Department") Form
15 230 and on the Immigration & Naturalization Service ("INS")
16 Form I-600.
- 17 4. In about 1998, the Defendant gave a co-conspirator templates with
18 sample answers for State Department Form 230 and INS Form
19 I-600, indicating that the identity of the Adoptive Child's parents
20 and other relatives was unknown, to use as a guide when advising
21 adoptive parents on how to answer questions on those forms.
- 22 5. The Defendant and other members of the conspiracy caused false
23 claims and statements to be made on State Department Form 230
24 and on INS Form I-600 regarding the fact that adopted children
25 were orphans because of the death or disappearance of,
26 abandonment or desertion by, or separation or loss from, both
27 parents, whereas, in truth and in fact, the defendant either had
28 knowledge or acted in deliberate ignorance of the truth, that the
adopted children had at least one known living parent.
6. The Defendant and co-conspirators also caused false claims and
statements to be made on State Department Form 230 and on INS
Form I-600, regarding the names, date of birth, place of birth,
current residence, relatives, and/or physical characteristics of the
adopted children.
7. Co-conspirator Lynn Devin operated Seattle International
Adoptions ("SIA") from her residence on Mercer Island,
Washington. The Defendant facilitated the adoption of Cambodian
children by parents in the United States in conjunction with Lynn
Devin and SIA. Co-conspirator Lynn Devin advertised that SIA
would provide adoption assistance "from start to finish" that met
state, federal, and Cambodian government requirements for a legal
adoption of a "true orphan."
8. The Defendant and SIA collectively charged most adoptive parents
in the United States between approximately \$10,500 and \$11,500
for assistance in obtaining Immigrant Visas for adopted Cambodian
children. Of this total amount, adoptive parents would normally
pay an agency fee to SIA of approximately \$2,500, which was sent

1 directly to SIA. Included in the total payment was a \$5,500
2 "administrative fee," which was wired to a bank account in
3 Cambodia controlled by the Defendant and Lynn Devin.
4 Approximately \$3500 of these funds were used, in part, to pay
5 Cambodian ministry clerks, employees or officials in order to
6 facilitate the adoption process in Cambodia. Approximately \$2000
7 of these funds were used by the Defendant to pay her expenses and
8 as proceeds for her personal gain, and as proceeds for the personal
9 gain of co-conspirators. A final payment, consisting of \$3500 was
10 paid directly to the Defendant prior to each adoptive parent leaving
11 Cambodia.

12 **b. Count 2 of Seattle Information**

- 13 1. The Defendant acknowledges that the Government has evidence
14 supporting all of the facts alleged in Count 2 of the Information;
15 and that where the Defendant's name is specifically mentioned, all
16 of those facts are true.
- 17 2. The Defendant and two Cambodian co-conspirators, including one
18 public official, received approximately \$93,700 for the adoptions
19 set forth in the Information. The bulk of these funds were sent
20 from bank accounts in the United States to bank accounts in
21 Cambodia controlled by the co-conspirators or the Defendant. In
22 addition, the Defendant received approximately \$59,500 from
23 adoptive parents while they were in Cambodia for facilitating the
24 adoptions set forth in the Information.
- 25 3. In about January 1997, the Defendant opened a bank account at the
26 Cambodian Commercial Bank in Phnom Penh, Cambodia. Co-
27 conspirator Lynn Devin routinely sent written instructions from
28 SIA to adoptive parents in the United States instructing them to
wire transfer funds in the amount of approximately \$3,500 to
\$5,500 from their bank accounts in the United States to the
Defendant's Cambodian Commercial Bank account.
1. In about September 1997, a co-conspirator, who was a Cambodian
public official, opened a personal bank account at the Cambodian
Commercial Bank in Phnom Penh, Cambodia, with one hundred
dollars provided to him by the Defendant. At the direction of the
Defendant, Lynn Devin sent written instructions from SIA to
several adoptive parents in the United States instructing them to
wire transfer funds in the amount of \$2,250 from their bank
accounts in the United States to this co-conspirator's personal
account at the Cambodian Commercial Bank.
2. In about October 1997, another co-conspirator opened a bank
account at the Cambodian Commercial Bank in Phnom Penh,
Cambodia. At the direction of the Defendant, Lynn Devin sent
written instructions from SIA to adoptive parents in the United
States instructing them to wire transfer funds in the amount of
approximately \$5,500 from their bank accounts in the United States
to this co-conspirator's Cambodian Commercial Bank account.
This co-conspirator, in turn, used a portion of the money to pay
Cambodian ministry clerks, employees or officials.

1 6. As set forth in more detail in the Information, between about
2 November 10, 1997, and at least July 12, 2001, at the Defendant's
3 direction, Lynn Devin instructed adoptive parents to wire transfer
4 between \$4500 and \$5500 to the Defendant's Cambodian
5 Commercial Bank account. The Defendant knew that a portion of
6 these wired funds would be used as remuneration for those
7 Cambodian ministry clerks, employees, or officials to prepare
8 supporting documentation for obtaining immigrant visas for
9 adopted children.

6 7. With respect to the adoptions alleged in the Information, the
7 Defendant transferred approximately \$59,500 from her Cambodian
8 Commercial Bank to a co-conspirator's bank account at the
9 Cambodian Commercial Bank. The Defendant knew that a portion
10 of these funds were used to pay Cambodian ministry clerks,
11 employees, or officials to prepare supporting documentation for
12 obtaining immigrant visas for adopted children.

10 c. **Count 3 of Hawaii Superseding Indictment**

11 1. The Defendant acknowledges that all of the facts alleged in Count 3
12 of the Superseding Indictment are true.

13 2. On or about August 7, 1998, the Defendant knowingly purchased
14 three cashier's checks with United States currency from the same
15 branch of First Hawaiian Bank in Princeville, Hawaii, and the
16 fourth from the Lihue branch of First Hawaiian Bank, with each
17 cashier's check in an amount of less than \$10,000, but totaling
18 \$30,000, and each cashier's check made payable to the same
19 payee.

16 3. The Defendant did so for the purpose of evading the bank reporting
17 requirements for financial transactions involving more than
18 \$10,000 in United States currency.

18 8. Agreed Guideline Adjustments. The parties agree that the 2003
19 Sentencing Guidelines Manual applies. The parties further agree, pursuant to Fed. R.
20 Crim. P. 11(c)(1)(B), that with respect to her guilty plea to the **Visa Fraud and Money**
21 **Laundering Counts** set forth in the Information (CR 03-0187Z), the Defendant's base
22 offense level under USSG § 2L2.1 is 11 and the following adjustments apply:

23 a. A three-level upward adjustment, pursuant to USSG § 2L2.1(b)(2)(A), for
24 the offense involving six to twenty-four fraudulent Immigrant Visas;

25 b. A two-level upward adjustment, pursuant to USSG § 2S1.1(b)(2)(B), for
26 having been convicted of conspiracy to launder money under 18 U.S.C. § 1956;

27 c. A two-level upward adjustment, pursuant to USSG § 3B1.1(c), for the
28 Defendant being an organizer or leader of criminal activity; and

1 d. Conditioned upon the Defendant clearly demonstrating acceptance of
2 responsibility for her offenses, a three-level downward adjustment, pursuant to USSG
3 § 3E1.1(a) and (b). The three-level downward adjustment under USSG § 3E1.1(b) is
4 applicable since the Defendant notified authorities of her intention to enter a guilty plea
5 at a sufficiently early point to enable the government to avoid preparing for trial and
6 permitting the Government and the Court to allocate their resources efficiently.

7 The Defendant reserves the right to argue for a downward departure from the
8 sentencing guideline range for the Visa Fraud and Money Laundering offenses on the
9 following grounds:

10 (1) Alleged extraordinary public service and charitable work, pursuant
11 to USSG §5H1.11 and §5K2.0(a)(4);

12 (2) Alleged diminished capacity and/or reduced culpability because of
13 childhood trauma or psychological condition, pursuant to §5K2.13 and 5K2.0(a)(2)(B);
14 and

15 (3) Offense conduct allegedly outside of the heartland and not
16 adequately taken into consideration by the Sentencing Commission in formulating the
17 guideline, due to the fact that the conduct allegedly did not result in the immigration
18 into the United States of any person not qualified to immigrate, pursuant to
19 §5K2.0(a)(2)(B).

20 The United States reserves the right to argue against such a downward departure.
21 The parties agree that no other upward or downward adjustments or departures to/from
22 the Defendant's offense level for the Visa Fraud and Money Laundering offenses are
23 applicable.

24 The parties further agree, pursuant to Fed. R. Crim. P. 11(c)(1)(B), that with
25 respect to her guilty plea to the **Structuring Count** set forth in Count 3 of the
26 Superseding Indictment (CR 03-0178DAE), the Defendant's base offense level under
27 USSG § 2S1.3 is 6 and the following adjustments apply:

28 a. A four-level upward adjustment, pursuant to USSG § 2S1.1(a)(2), for the

1 offense involving \$30,000 in structured funds;

2 b. A two-level upward adjustment, pursuant to USSG § 2S1.3(b)(1), since
3 the Defendant knew that the funds were proceeds of the visa fraud scheme; and

4 c. Conditioned upon the Defendant clearly demonstrating acceptance of
5 responsibility for her offenses, a three-level downward adjustment, pursuant to USSG
6 § 3E1.1(a) and (b). The three-level downward adjustment under USSG § 3E1.1(b) is
7 applicable since the Defendant notified authorities of her intention to enter a guilty plea
8 at a sufficiently early point to enable the government to avoid preparing for trial and
9 permitting the Government and the Court to allocate their resources efficiently.

10 The Defendant reserves the right to argue for a downward departure from the
11 sentencing guideline range for the Structuring offense on the first two grounds set forth
12 above for the Visa Fraud and Money Laundering offenses. The United States reserves
13 the right to argue against such a downward departure. The parties agree that no other
14 upward or downward adjustments or departures to/from the Defendant's offense level
15 for the Structuring offense are applicable.

16 The parties further agree that the sentence imposed for the Structuring offense
17 (CR 03-0178DAE) should run concurrent with the sentence imposed for the Visa Fraud
18 and Money Laundering offenses (CR 03-0187Z), pursuant to USSG § 5G1.2(c).

19 The Defendant understands that the above agreements are not binding on the
20 Court and that should the Court find otherwise, the Defendant will not be allowed to
21 withdraw her guilty plea.

22 9. Restitution. The United States agrees not to seek restitution on behalf of
23 the Department of Homeland Security (formerly the Immigration & Naturalization
24 Service) or the Department of State. Defendant understands that the United States may
25 seek restitution for other possible victims of the offenses to which the Defendant has
26 agreed to plead guilty.

27 10. Forfeiture. Defendant agrees to forfeit to the United States immediately
28 all of her right, title, and interest in, all property that constitutes, is derived from, or is

1 traceable to, proceeds obtained, directly or indirectly, from the commission of the
2 violations alleged in Count 1 of this Information, or that was used to facilitate the
3 commission of the offense, and in any and all property, real or personal, involved in
4 the violations alleged in Count 2 of this Information, including, but not limited to, the
5 following:

- 6 a. The residence and real property located at 5409 Weke Road,
7 Hanalei, Hawaii, owned under the name of K-4 Partners, and any
8 additional properties purchased by K-4 Partners;
- 9 b. All United States currency, funds, or other monetary instruments
10 credited to account number 2410011189 in the name of K-4
11 Partners, located at Northwest Bank (formerly Interwest Bank) in
12 Mercer Island, Washington, over which Lynn Devin and her
13 husband had signatory authority;
- 14 c. All United States currency, funds, or other monetary instruments
15 credited to account number 84003299 in the name of K-4 Partners,
16 located at the First Hawaiian Bank in Honolulu, Hawaii, over
17 which Lynn Devin and her husband had signatory authority;
- 18 d. All United States and foreign currency, funds, or other monetary
19 instruments credited to account number 800032144670, in the
20 name of the Defendant and Lynn Devin, located at the Cambodian
21 Commercial Bank, in Phnom Penh, Cambodia;
- 22 e. All United States and foreign currency, funds, or other monetary
23 instruments credited to account number 44710547903, in the name
24 of Lakshmi, Ltd, located at the Standard Chartered Bank in Hong
25 Kong, over which the Defendant and Lynn Devin had signatory
26 authority;
- 27 f. All United States and foreign currency, funds, or other monetary
28 instruments credited to account number 243032208270, in an
unknown name, located at the Hong Kong/Shanghai Bank in
Tanglin, Singapore, over which the Defendant and Lynn Devin had
signatory authority;
- g. All United States and foreign currency, funds, or other monetary
instruments credited to account number #260207980600, in an
unknown name, located at the Hong Kong/Shanghai Bank in
Tanglin, Singapore, over which the Defendant and Lynn Devin had
signatory authority; and
- h. A 2000 Jaguar XKB Convertible with VIN number
SAJJA42CXyna01756, registered to Lakshmi, Ltd., a Samoan
company owned by the Defendant.

Defendant agrees to fully assist the United States in the forfeiture of the
listed assets and to take whatever steps are necessary to pass clear title to the United

1 States, including but not limited to: surrendering title and executing any documents
2 necessary to effectuate such forfeiture; and taking whatever steps are necessary to
3 ensure that assets subject to forfeiture are not sold, disbursed, wasted, hidden, or
4 otherwise made unavailable for forfeiture. Defendant agrees not to file a claim to any
5 of the listed property in any criminal or civil forfeiture proceeding, administrative or
6 judicial, which may be initiated, and to withdraw, prior to sentencing, her claim
7 previously filed in the civil forfeiture proceeding instituted in the District of Hawaii
8 against the Hanalei property referenced above. The United States, in turn, agrees to
9 permit the Defendant to continue to reside at the Hanalei property without paying rent
10 and to use her Jaguar until the time of her sentencing or the time designated for her to
11 report to the Bureau of Prisons to begin to serve her sentence, whichever is later. If
12 judgment of forfeiture in the civil action is entered by the Court prior to sentencing or
13 her surrender date, Defendant will enter into an occupancy agreement with the United
14 States Marshals Service to continue to remain on the property under the terms set forth
15 in this Plea Agreement.

16 The Defendant further agrees to provide a truthful statement (oral and/or written
17 at the request of the Government) regarding all of her assets and to make a full and
18 complete disclosure of all assets in which the Defendant has any interest or over which
19 Defendant exercises control and those which are held or controlled by a nominee. The
20 Defendant further agrees to produce records of all bank accounts named herein or any
21 other accounts or financial or property records requested by the United States prior to
22 sentencing. The Defendant understands that failure to comply with these provisions
23 will constitute a breach of this Plea Agreement.

24 11. Non-Prosecution of Additional Offenses. Conditioned upon Defendant's
25 compliance with all of the terms of this Plea Agreement, the United States Attorney's
26 Office for the Western District of Washington agrees to dismiss the Superseding
27 Indictment returned in the Western District of Washington (CR 03-187Z), and the
28 United States Attorney's Office for the District of Hawaii agrees to dismiss Counts 1

1 and 2 of the Superseding Indictment returned in the District of Hawaii (CR 03-
2 00178DAE) at the time of sentencing. Moreover, the United States Attorneys' Offices
3 for the Western District of Washington and the District of Hawaii (collectively referred
4 to hereinafter as "the United States") agree not to prosecute Defendant for any
5 additional offenses known to it as of the time of this Agreement that are based upon
6 evidence in their possession at this time, or that arise out of the conduct giving rise to
7 this investigation. In this regard, Defendant recognizes that the United States has
8 agreed not to prosecute all of the criminal charges that the evidence establishes were
9 committed by Defendant solely because of the promises made by Defendant in this
10 Agreement. Defendant acknowledges and agrees, however, that for purposes of
11 preparing the Presentence Report, the United States will provide the United States
12 Probation Office with evidence of all relevant conduct committed by Defendant.

13 Defendant agrees and acknowledges that any charges to be dismissed before or at
14 the time of sentencing were substantially justified in light of the evidence available to
15 the United States, were not vexatious, frivolous or taken in bad faith, and do not
16 provide Defendant with a basis for any future claims under the "Hyde Amendment,"
17 Pub. L. No. 105-119 (1997).

18 12. Voluntariness of Plea. Defendant acknowledges that she has entered into
19 this Plea Agreement freely and voluntarily, and that no threats or promises, other than
20 the promises contained in this Plea Agreement, were made to induce Defendant to enter
21 this plea of guilty.

22 13. Statute of Limitations. In the event that this Agreement is not accepted by
23 the Court for any reason, or Defendant has breached any of the terms of this Plea
24 Agreement, the statute of limitations shall be deemed to have been tolled from the date
25 of the Plea Agreement to: (1) 30 days following the date of non-acceptance of the Plea
26 Agreement by the Court; or (2) 30 days following the date on which a breach of the
27 Plea Agreement by Defendant is discovered by the United States.

28 14. Post-Plea Conduct. Defendant understands that the terms of this Plea


1 Agreement apply only to conduct that occurred prior to the execution of this
2 Agreement. If, after the date of this Agreement, Defendant should engage in conduct
3 that would warrant an increase in Defendant's adjusted offense level or justify an
4 upward departure under the Sentencing Guidelines (examples of which include, but are
5 not limited to: obstruction of justice, failure to appear for a court proceeding, criminal
6 conduct while pending sentencing, and false statements to law enforcement agents, the
7 probation officer or Court), the United States is free under this Agreement to seek a
8 sentencing enhancement or upward departure based on that conduct.

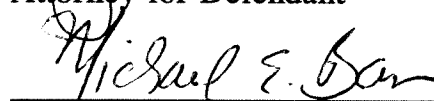
9 16. Completeness of Agreement. The United States and Defendant
10 acknowledge that these terms constitute the entire Plea Agreement between the parties.
11 This Agreement only binds the United States Attorney's Offices for the Western
12 District of Washington and the District of Hawaii. It does not bind any other United
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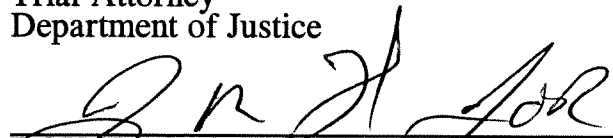
1 States Attorney's Office or any other office or agency of the United States, or any state
2 or local prosecutor.

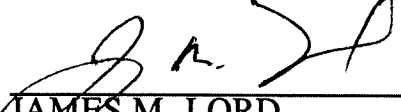
3 Dated this 23rd day of June, 2004.

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5 
6 LAURYN GALINDO
Defendant

7
8 
9 JAY STANSELL
Attorney for Defendant

10
11 
12 MICHAEL E. BARR
13 Trial Attorney
14 Department of Justice

15
16 
17 DOUGLAS B. WHALLEY
18 Assistant United States Attorney
19 Western District of Washington

20
21 
22 JAMES M. LORD
23 Assistant United States Attorney
24 Western District of Washington

25
26 
27 J. MICHAEL SEABRIGHT
28 Assistant United States Attorney
District of Hawaii