

1 **1. MAXIMUM PENALTIES**

2 a. A violation of Title 18, United States Code, Section 1344, is punishable by a
3 maximum fine of \$1,000,000.00, a maximum term of imprisonment of 30 years, or both, and a
4 term of supervised release of up to 5 years.

5 b. According to the Sentencing Guidelines issued pursuant to the Sentencing Reform
6 Act of 1984, the court shall:

7 (1) Order the defendant to make restitution to any victim of the offense unless,
8 pursuant to Title 18, United States Code, Section 3663, the court determines that restitution
9 would not be appropriate in this case;

10 (2) Order the defendant to pay a fine, which may include the costs of probation,
11 supervised release or incarceration, unless, pursuant to Title 18, United States Code, Section
12 3572, the Court finds upon consideration of the factors therein and in Section 3553 that a fine
13 is not appropriate;

14 (3) Order the defendant, pursuant to Title 18, United States Code, Section 3583
15 to serve a term of supervised release when required by statute or when a sentence of
16 imprisonment of more than one year is imposed, and the court may impose a term of supervised
17 release in all other cases.

18 c. Pursuant to Title 18, United States Code, Section 3013, the court is required to
19 impose a special assessment on the defendant of \$100.00 per count. The special assessment is
20 due at the time the defendant enters the plea of guilty, but in no event shall it be paid later than
21 the time of sentencing.

22 **2. AGREEMENTS REGARDING SENTENCING**

23 a. No Sentencing Agreements There are no agreements regarding sentencing, and
24 the parties are free to make any recommendations to the court they believe are appropriate.

25 b. If the court, after reviewing this plea agreement, concludes that any provision is
26 inappropriate, it may reject the plea agreement, giving defendant, in accordance with
27 Fed. R. Crim. P. 11(c)(5), an opportunity to withdraw the guilty plea.

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1 c. The United States retains the unrestricted right to make any and all statements it
2 deems appropriate to the Probation Office and to make factual and legal responses to any
3 statements made by the defendant or defense counsel or objections to the presentence report or
4 to questions by the court at the time of sentencing.

5 d. Acceptance of Responsibility Assuming the defendant makes full and complete
6 disclosure to the Probation Department of the circumstances surrounding the defendant's
7 commission of the offense and, if the defendant demonstrates an acceptance of responsibility for
8 this offense up to and including the time of sentencing, the United States will stipulate to a two-
9 point reduction in the applicable sentence guideline offense level, pursuant to Section 3E1.1 of
10 the Guidelines.

11 **3. AGREEMENT TO DISMISS OR NOT TO PROSECUTE**

12 a. Pursuant to Fed. R. Crim. P. 11(c)(1)(A), the United States will dismiss the
13 following charges: Counts 1-3, 5, 8, and 12-35 of the Indictment.

14 **4. WAIVER OF DEFENSES AND APPEAL RIGHTS**

15 The defendant waives any and all motions, defenses, probable cause determinations, and
16 objections which the defendant could assert to the indictment or information or to the Court's
17 entry of judgment against the defendant and imposition of sentence upon the defendant,
18 providing the sentence is consistent with this agreement. The defendant further waives: (1) any
19 right to appeal the Court's entry of judgment against defendant; (2) any right to appeal the
20 imposition of sentence upon defendant under Title 18, United States Code, Section 3742
21 (sentence appeals); and (3) any right to collaterally attack defendant's conviction and sentence
22 under Title 28, United States Code, Section 2255, or any other collateral attack. The defendant
23 acknowledges that this waiver shall result in the dismissal of any appeal or collateral attack the
24 defendant might file challenging his conviction or sentence in this case.

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1 **5. PERJURY AND OTHER FALSE STATEMENT OFFENSES OR OTHER**
2 **OFFENSES**

3 Nothing in this agreement shall be construed to protect the defendant in any way from
4 prosecution for perjury, false declaration or false statement, or any other offense committed by
5 defendant after the date of this agreement. Any information, statements, documents, and
6 evidence which defendant provides to the United States pursuant to this agreement may be used
7 against the defendant in all such prosecutions.

8 **6. REINSTITUTION OF PROSECUTION**

9 If defendant's guilty plea is rejected, withdrawn, vacated, or reversed at any time, the
10 United States will be free to prosecute the defendant for all charges of which it has knowledge,
11 and any charges that have been dismissed because of this plea agreement will be automatically
12 reinstated. In such event, defendant waives any objections, motions, or defenses based upon the
13 Statute of Limitations, the Speedy Trial Act or constitutional restrictions in bringing of the later
14 charges or proceedings. The defendant understands that any statements made at the time of the
15 defendant's change of plea or sentencing may be used against the defendant in any subsequent
16 hearing, trial or proceeding as permitted by Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410.

17 **7. DISCLOSURE OF INFORMATION TO U.S. PROBATION OFFICE**

18 The defendant will cooperate fully with the United States Probation Office. Such
19 cooperation will include truthful statements in response to any questions posed by the Probation
20 Department.

21 **8. FORFEITURE, CIVIL, AND ADMINISTRATIVE PROCEEDINGS**

22 a. Nothing in this agreement shall be construed to protect the defendant from civil
23 forfeiture proceedings or prohibit the United States from proceeding with and/or initiating an
24 action for civil forfeiture.

25 b. Defendant will identify all assets and identify the source of income used to obtain
26 the assets. Defendant will identify all assets used to facilitate the commission of any crime
27 charged in this indictment. Defendant will testify truthfully in any civil forfeiture proceeding.

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1 c. Further, this agreement does not preclude the United States from instituting any
2 civil or administrative proceedings as may be appropriate now or in the future.

3 **9. ELEMENTS OF THE OFFENSE**

4 Defendant understands that if this case were to proceed to trial, the government would
5 be required to prove the following elements beyond a reasonable doubt:

- 6 1. The defendant knowingly carried out a scheme or plan to obtain money or
7 property from M&I Bank by making false statements or promises.
- 8 2. The defendant knew that the statements or promises were false.
- 9 3. The statements or promises were material; that is, they had a natural tendency to
10 influence, or were capable of influencing, a financial institution to part with
11 money.
- 12 4. The defendant acted with the intent to defraud; and
- 13 5. M&I Bank was federally insured.

14 **FACTUAL BASIS**

15 I further admit that if this matter were to proceed to trial the United States could prove
16 the following facts beyond a reasonable doubt:

17 Between September and November 2005, I acted as the mortgage broker in
18 several transactions involving real estate located in Queen Creek, Arizona. The
19 properties included Lots A-1, A-2, A-3, A-4, B-2, and B-4. The buyers were Tye
20 Van Haren, Joshua Frazier, Phillip Rogers, and Shawn & Tye Van Haren. In each
21 instance, the mortgage application stated that the buyer would be making the
22 down payment. I helped prepare these loan applications. The loan applications
23 were sent to M&I Bank, which is federally insured. In fact, the statement that the
24 buyer would make the down payment was false. I knew it was false. At closing,
25 I supplied the down payment on behalf of the buyer.

26 I understand that I will have to swear under oath to the accuracy of this statement, and
27 if I should be called upon to testify about this matter in the future, any intentional material
28 inconsistencies in my testimony may subject me to additional penalties of perjury or false
swearing which may be enforced by the United States under this agreement.

DEFENDANT'S APPROVAL AND ACCEPTANCE

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I have read each of the provisions of the entire plea agreement with the assistance of counsel and understand its provisions.

I have discussed the case and my constitutional and other rights with my attorney. I understand that by entering my plea of guilty I will be giving up my rights to plead not guilty, to trial by jury, to confront, cross-examine, and compel the attendance of witnesses, to present evidence in my defense, to remain silent and refuse to be a witness against myself by asserting my privilege against self-incrimination -- all with the assistance of counsel -- and to be presumed innocent until proven guilty beyond a reasonable doubt.

I agree to enter my guilty plea as indicated above on the terms and conditions set forth in this agreement.

I have been advised by my attorney of the nature of the charges to which I am entering my guilty plea. I have further been advised by my attorney of the nature and range of the possible sentence and that my ultimate sentence will be determined after consideration of the advisory Sentencing Guidelines. I understand that the Guideline Range referred to herein or discussed with my attorney is not binding on the court and is merely an estimate.

My guilty plea is not the result of force, threats, assurances or promises other than the promises contained in this agreement. I agree to the provisions of this agreement as a voluntary act on my part and I agree to be bound according to its provisions.

I fully understand that, if I am granted probation or placed on supervised release by the court, the terms and conditions of such probation/supervised release are subject to modification at any time. I further understand that, if I violate any of the conditions of my probation/supervised release, my probation/supervised release may be revoked and upon such revocation, notwithstanding any other provision of this agreement, I may be required to serve a term of imprisonment or my sentence may otherwise be altered.

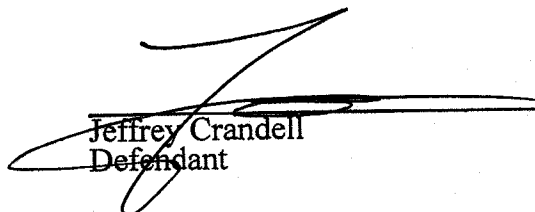
I agree that this written plea agreement contains all the terms and conditions of my plea and that promises made by anyone (including my attorney), and specifically any predictions as

1 to the guideline range applicable, that are not contained within this written plea agreement are
2 without force and effect and are null and void.

3 I am satisfied that my defense attorney has represented me in a competent manner.

4 I am fully capable of understanding the terms and conditions of this plea agreement. I
5 am not now on or under the influence of any drug, medication, liquor, or other intoxicant or
6 depressant, which would impair my ability to fully understand the terms and conditions of this
7 plea agreement.

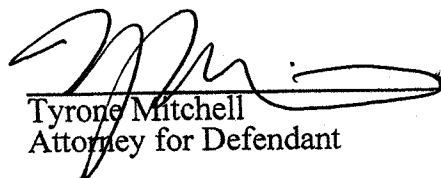
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9 11-9-09
Date


Jeffrey Crandell
Defendant

11 **DEFENSE ATTORNEY'S APPROVAL**

12 I have discussed this case and the plea agreement with my client, in detail and have
13 advised the defendant of all matters within the scope of Fed. R. Crim. P. 11, the constitutional
14 and other rights of an accused, the factual basis for and the nature of the offense to which the
15 guilty plea will be entered, possible defenses, and the consequences of the guilty plea including
16 the maximum statutory sentence possible. I have further discussed the concept of the advisory
17 sentencing guideline with the defendant. No assurances, promises, or representations have been
18 given to me or to the defendant by the United States or by any of its representatives which are
19 not contained in this written agreement. I concur in the entry of the plea as indicated above and
20 on the terms and conditions set forth in this agreement as in the best interests of my client. I
21 agree to make a bona fide effort to ensure that the guilty plea is entered in accordance with all
22 the requirements of Fed. R. Crim. P. 11.

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24 11/9/09
Date


Tyrone Mitchell
Attorney for Defendant

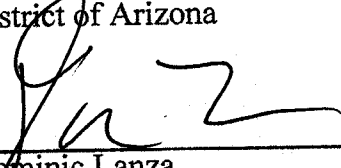
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UNITED STATES' APPROVAL

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

DENNIS K. BURKE
United States Attorney
District of Arizona



Dominic Lanza
Raymond K. Woo
Assistant U.S. Attorneys

11/9/09
Date

COURT'S ACCEPTANCE

Date

G. Murray Snow
United States District Judge