

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

FILED IN CHAMBERS  
U.S.D.C Atlanta

JUN 28 2007

**1:06-cr-00472-RWS-GGB  
USA v. Garner et al  
Honorable Richard W. Story**

JAMES W. HATTEN, Clerk  
By:  Deputy Clerk

Minute Sheet for proceedings held In Open Court on 06/28/2007.

TIME COURT COMMENCED: 9:05 A.M.  
TIME COURT CONCLUDED: 9:40 A.M.  
TIME IN COURT: 00:35

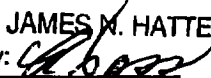
COURT REPORTER: Sharon Upchurch  
DEPUTY CLERK: Rick Goss

DEFENDANT(S): [5]Susan Khodadad Present at proceedings  
ATTORNEY(S) Paul Monnin representing USA  
PRESENT: Charles Webb representing Susan Khodadad  
PROCEEDING CATEGORY: Change of Plea;  
MINUTE TEXT: Sentencing date not yet determined.

JUN 28 2007

**GUILTY PLEA AND PLEA AGREEMENT**

*United States Attorney  
Northern District of Georgia*

JAMES M. HATTEN, Clerk  
By:  Deputy Clerk

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

CRIMINAL INDICTMENT NO. 1:06-CR-472-05-RWS  
(FIRST SUPERSEDING)

SUSAN KHODADAD, defendant, having received a copy of the above-numbered Superseding Indictment, hereby pleads GUILTY to Count 1 thereof. SUSAN KHODADAD (the "Defendant"), her counsel, and the United States Attorney for the Northern District of Georgia (the "Government"), as counsel for the United States, subject to approval by the Court, have agreed upon a negotiated plea in this case, the terms of which are as follows:

1. The Plea. The Defendant admits that she is pleading guilty because she is in fact guilty of the crime charged in Count 1 of the Superseding Indictment.

2. Dismissal of Counts. The Government agrees that upon the sentencing of the Defendant, and with leave of the Court, it will file a dismissal of Counts 2-3 and 12-13 of the Superseding Indictment pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure. The Defendant understands that the Probation Office and the Court may still consider the conduct underlying such dismissed counts in determining relevant conduct under the Sentencing Guidelines.

3. Defendant's Waiver of Trial Rights. The Defendant understands that by pleading guilty, she is giving up the right to plead not guilty and the right to be tried by a jury. At a trial, the Defendant would have the right to an attorney, and if the Defendant could not afford an attorney, the Court would appoint one to represent her. During the trial, the Defendant would be presumed innocent and the Government

would have the burden of proving her guilty beyond a reasonable doubt. The Defendant would have the right to confront and to cross-examine the witnesses against her. If the Defendant wished, she could testify on her own behalf and present evidence in her defense, and she could subpoena witnesses to testify on her behalf. If, however, the Defendant did not wish to testify, that fact could not be used against her. If the Defendant were found guilty after a trial, she would have the right to appeal the conviction. The Defendant understands that by pleading guilty, she is giving up all of these rights and there will not be a trial of any kind. The Defendant also understands that she ordinarily would have the right to appeal her sentence and, under some circumstances, to attack the sentence in post-conviction proceedings. By entering this Plea Agreement, the Defendant may be waiving some or all of those rights to appeal or collaterally attack her sentence, as specified below. Finally, the Defendant understands that, to plead guilty, she may have to answer questions posed to her by the Court concerning the rights that she is giving up and the facts of this case, and the Defendant's answers, if untruthful, may later be used against her in a prosecution for perjury or false statements.

4. Statutory Penalties. The Defendant understands that, based on her plea of guilty to Count 1 of the Superseding Indictment, which charges conspiracy in violation of 18 U.S.C. § 1349, a Class C felony, she will be subject to the following maximum penalties:

- A. Maximum term of imprisonment: 20 years.
- B. Maximum term of supervised release: 3 years.
- C. Maximum fine: \$250,000.
- D. Mandatory special assessment: \$100.00.

5. Application of Sentencing Guidelines. The Defendant understands that,

before imposing sentence in this case, the Court will be required to consider, among other factors, the provisions of the United States Sentencing Guidelines ("Sentencing Guidelines"). The parties agree, however, that a reasonable custodial sentence for purposes of Title 18, United States Code, Section 3553 is one that falls within the otherwise applicable guideline range, and that neither party will seek a departure or variance from the otherwise applicable custodial guideline range. Ultimately, it is within the Court's discretion to impose a sentence up to and including the statutory maximum for the count of conviction. The Defendant also understands that no one can predict her exact sentence at this time.

6. Additional Charges. The United States Attorney for the Northern District of Georgia agrees not to bring further criminal charges against the Defendant related to the charge to which she is pleading guilty. The Defendant understands that this provision does not bar prosecution by any other federal, state, or local jurisdiction. This provision specifically relates to the mortgage fraud conspiracy charged in Count 1 of the Superseding Indictment. The United States Attorney for the Northern District of Georgia confers no immunity and expressly reserves its right to charge the Defendant in relation to any and all services she provided, either directly or indirectly, to Farbod S. "Fred" Zohouri, George F. Maynard, Tread Josey, Integrus Title, All American Title and Josey and Associates in connection with a separate real estate financing fraud scheme currently under investigation.

7. Acceptance of Responsibility. The Government will recommend that the Defendant receive the two-level adjustment for acceptance of responsibility pursuant to Section 3E1.1(a) of the Sentencing Guidelines. The Government will also recommend the additional one-level adjustment under Sentencing Guidelines Section 3E1.1(b) if the offense level is 16 or higher. However, the Government will not be

required to recommend acceptance of responsibility if, after entering this Plea Agreement, the Defendant engages in conduct inconsistent with accepting responsibility. Thus, by way of example only, should the Defendant falsely deny or falsely attempt to minimize her involvement in relevant offense conduct, give conflicting statements about her involvement, fail to cooperate fully in the Government's investigation of potential assets available for repayment of restitution (including providing less than full, complete and truthful statements or information to the Government about her financial condition and/or less than full and complete and truthful documentation about current and past assets), fail to pay the special assessment related to the count of conviction, or participate in additional criminal conduct, including unlawful personal use of a controlled substance, the Government will not be required to recommend acceptance of responsibility.

8. Pre-Payment of Special Assessment. The Defendant agrees that, within 30 days of entry of her guilty plea, she will pay a special assessment in the amount of \$100.00 by money order or certified check made payable to the Clerk of Court, U.S. District Court, 2211 U.S. Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303, and that she will provide proof of such payment to the Government within 30 days of the guilty plea.

9. Sentencing Guidelines. Based upon the evidence currently known to the Government, the Government will recommend and the Defendant agrees to the following applications of the Sentencing Guidelines:

- A. Unless otherwise required by applicable law, that the 2006 edition of the Sentencing Guidelines Manual is applicable to the count of conviction;
- B. That the applicable offense guideline is Section 2B1.1 and that the base offense level thereunder is 7;

- C. That the amount of loss resulting from the offense of conviction and all relevant conduct is more than \$400,000 to \$1,000,000, corresponding to a 14-level increase under Section 2B1.1(b)(1)(H); and
- D. That the 2-level sophisticated means enhancement applies under Section 2B1.1(b)(8)(C).

10. Right to Make Recommendations. Except as expressly stated elsewhere in this Plea Agreement, the Government reserves the right to make recommendations regarding application of the Sentencing Guidelines, including additional offense level provisions that could enhance the Defendant's custodial guideline range. In addition, should the Government obtain or receive additional evidence concerning the facts underlying this case or its guideline recommendations set forth herein, the Defendant understands that the Government will bring that evidence to the attention of the Court and to the Probation Office.

11. Cooperation -- Generally. The Defendant agrees to cooperate truthfully and completely with the Government, including being debriefed and providing truthful testimony at any proceeding resulting from or related to her cooperation. The Defendant also agrees to disclose the existence of and to produce to the Government any and all books, papers, documents, and other items of evidentiary value that are in her actual or constructive possession. The Defendant understands that the Government alone will determine what forms of cooperation to request from the Defendant, and the Defendant agrees that she will not engage in any investigation that is not specifically authorized by the Government.

12. Cooperation -- Section 1B1.8 Protection. Pursuant to Section 1B1.8 of the Sentencing Guidelines, the Government agrees that any self-incriminating information that was previously unknown to the Government and is provided to the

Government by the Defendant in connection with her cooperation and as a result of this Plea Agreement will not be used in determining the applicable Sentencing Guideline range, although such information may be disclosed to the Probation Office and the Court. The Government also agrees not to bring additional charges against the Defendant, with the exception of charges resulting from or related to violent criminal activity, based on any information provided by the Defendant in connection with her cooperation that was not known to the Government prior to the cooperation. However, if the Government determines that the Defendant has not been completely truthful and candid in cooperation with the Government, she may be subject to prosecution for perjury, false statements, obstruction of justice, and any other appropriate charge, and all information she has provided may be used against her in such a prosecution.

13. Cooperation -- Conditional Section 5K1.1/Rule 35 Motion. The Government agrees to make the extent of the Defendant's cooperation known to the Court and to recommend that the Defendant be sentenced at the lowest end of the applicable sentencing guideline range. In addition, if the cooperation is completed before sentencing and the Government determines that such cooperation qualifies as "substantial assistance" pursuant to Title 18, United States Code, Section 3553(e) and/or Section 5K1.1 of the Sentencing Guidelines, the Government will consider whether to file a motion at sentencing recommending a downward departure from the applicable guideline range. If the cooperation is completed after sentencing and the Government determines that such cooperation qualifies as "substantial assistance" pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure, the Government will consider whether to file a motion for reduction of sentence. In either case, the Defendant understands that the determination as to whether she has provided

“substantial assistance” rests solely with the Government. Good faith efforts by the Defendant that do not substantially assist in the investigation or prosecution of another person who has committed a crime will not result in either a motion for downward departure or a Rule 35 motion. The Defendant also understands that, should the Government decide to file a motion pursuant to this paragraph, the Government may recommend any specific sentence, and the final decision as to what credit, if any, the Defendant should receive for cooperation will be determined by the Court. If the Defendant fails to cooperate truthfully and completely, or if the Defendant engages in additional criminal conduct or other conduct inconsistent with cooperation, she will not be entitled to any consideration whatsoever pursuant to this paragraph.

14. Restitution. The Defendant agrees to pay full restitution to the victim(s) of the count of conviction and all relevant conduct. The Defendant understands that the amount of restitution owed will be determined at or before sentencing. The Defendant agrees to cooperate fully in the investigation of the amount of restitution and in the identification of assets to be applied toward restitution. The Defendant's cooperation obligations include: (A) fully and truthfully completing the Department of Justice's Financial Statement of Debtor form, and any addendums to said form deemed necessary by the Government, within ten days of the guilty plea hearing; (B) submitting to a financial deposition or interview (should the Government deem it necessary) prior to sentencing regarding the subject matter of said form; (C) providing any documentation within her possession or control requested by the Government regarding her financial condition; and (D) fully and truthfully answering all questions regarding her past and present financial condition in such interview(s). Further, the Defendant agrees to refrain from selling, transferring, encumbering,

disbursing, assigning, or otherwise disposing of any real property or significant personal property (valued at more than \$2,000) without the prior approval of the Financial Litigation Unit of the U.S. Attorney's Office.

So long as the Defendant is completely truthful, the Government agrees that anything related by the Defendant during her financial interview or deposition or in the financial forms described above cannot and will not be used against her in the Government's criminal prosecution, nor to increase her offense level under the Sentencing Guidelines. However, the Government may use the Defendant's statements to identify and to execute upon assets to be applied to restitution in this case. Further, the Government is free to pursue any and all investigative leads derived from the interview, which could result in the acquisition of evidence admissible against the Defendant. Similarly, nothing will prevent the Government from using the Defendant's statements for impeachment or in rebuttal testimony should she subsequently testify contrary to the substance of her statements, or otherwise offer evidence which contradicts her statements in any way.

15. Restitution -- Terms of Payment. The Defendant agrees to pay any restitution imposed by the Court to the Clerk of Court for eventual disbursement to the victim(s) of the count of conviction. The Defendant also agrees that the full amount of restitution ordered by the Court shall be considered due and payable immediately. If the Defendant cannot pay the full amount immediately and is placed in custody or under the supervision of the Probation Office at any time, she agrees that the custodial agency and the Probation Office will have the authority to establish payment schedules to ensure payment of restitution. The Defendant further agrees to cooperate fully in efforts to collect her restitution obligation by set-off of program payments, execution on non-exempt property, and any other means the Government

deems appropriate.

16. LIMITED WAIVER OF APPEAL. To the maximum extent permitted by federal law, the Defendant voluntarily and expressly waives the right to appeal her sentence and the right to collaterally attack her sentence in any post-conviction proceeding on any ground, except that the Defendant may file a direct appeal of an upward departure from the otherwise applicable guideline range. The Defendant understands that this Plea Agreement does not limit the Government's right to appeal, but if the Government appeals the sentence imposed, the Defendant may also file a direct appeal of her sentence.

17. Violation of Plea Agreement. If the Defendant fails in any way to fulfill each of her obligations under this Plea Agreement, the Government may elect to be released from its commitments under this Plea Agreement. The Government may then prosecute the Defendant for any and all federal crimes that she has committed related to this case and may recommend to the Court any sentence for such crimes up to and including the maximum sentence. The Defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such prosecution, except to the extent that such a defense exists as of the date she signs this Plea Agreement. In addition, the Defendant agrees that, in such prosecution, all admissions and other information that she has provided at any time, including all statements she has made and all evidence she has produced during proffers, interviews, testimony, and otherwise, may be used against her, regardless of any constitutional provision, statute, rule, or agreement to the contrary. Finally, the Defendant understands that her violation of the terms of this Plea Agreement would not entitle her to withdraw her guilty plea in this case.

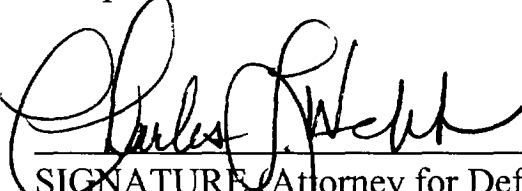
18. Court's Discretion. The Defendant understands and agrees that the


recommendations of the Government incorporated within this Plea Agreement or otherwise discussed between the parties are not binding on the Court, and that the Court's failure to accept one or more of the recommendations will not constitute grounds to withdraw her guilty plea or to claim a breach of this Plea Agreement.


19. No Biological Evidence. The parties agree that no biological evidence (as defined in 18 USC § 3600A) has been identified in this case; therefore, the Defendant understands and agrees that no such evidence will be preserved for DNA testing.

20. Entire Agreement. There are no other agreements, promises, representations, or understandings between the Defendant and the Government.

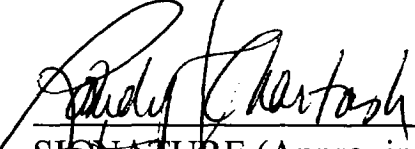
In Open Court this 28<sup>th</sup> day of June, 2007.

  
\_\_\_\_\_  
SIGNATURE (Attorney for Defendant)  
CHARLES L. WEBB

  
\_\_\_\_\_  
SIGNATURE (Defendant)  
SUSAN KHODADAD

  
\_\_\_\_\_  
SIGNATURE (Assistant U.S. Attorney)  
PAUL N. MONNIN

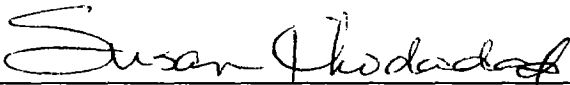
**THIS DOCUMENT IS A DRAFT FOR THE PURPOSE OF DISCUSSION. NO PLEA OFFER IS MADE UNLESS AND UNTIL THIS DOCUMENT IS EXECUTED BY AN APPROVING OFFICIAL OF THE UNITED STATES ATTORNEY'S OFFICE.**

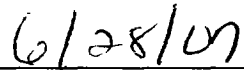
  
\_\_\_\_\_  
SIGNATURE (Approving Official)  
RANDY S. CHARTASH  
CHIEF, ECONOMIC CRIME SECTION

06 25 - 07  
DATE


**CERTIFICATION OF DEFENDANT AND COUNSEL**

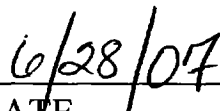
I have read the Superseding Indictment against me and have discussed it with my attorney. I understand the charges and the elements of each charge that the Government would have to prove to convict me at a trial. I have read the foregoing Plea Agreement and have carefully reviewed every part of it with my attorney. I understand the terms and conditions contained in the Plea Agreement, and I voluntarily agree to them. I also have discussed with my attorney the rights I may have to appeal or challenge my sentence, and I understand that the appeal waiver contained in the Plea Agreement will prevent me, with the narrow exceptions stated, from appealing my sentence or challenging my sentence in any post-conviction proceeding. No one has threatened or forced me to plead guilty, and no promises or inducements have been made to me other than those discussed in the Plea Agreement. The discussions between my attorney and the Government toward reaching a negotiated plea in this case took place with my permission. I am fully satisfied with the representation provided to me by my attorney in this case.

  
\_\_\_\_\_  
SIGNATURE (Defendant)  
SUSAN KHODADAD

  
\_\_\_\_\_  
DATE

I am SUSAN KHODADAD's lawyer. I have carefully reviewed the charges and the Plea Agreement with my client. To my knowledge, my client is making an informed and voluntary decision to plead guilty and to enter into the Plea Agreement.

  
\_\_\_\_\_  
SIGNATURE (Defense Attorney)  
CHARLES WEBB

  
\_\_\_\_\_  
DATE

INFORMATION BELOW MUST BE TYPED OR PRINTED

Charles L. Webb  
NAME (Attorney for Defendant)

Susan Khodadad  
NAME (Defendant)

2900 Chamblee Tucker Rd.  
STREET Building 1

1830 Suwannee Ridge Ct  
STREET

Atlanta, GA 30341  
CITY & STATE ZIP CODE

Lawrenceville, GA 30043  
CITY & STATE ZIP CODE

PHONE NUMBER 770-455-1350

PHONE NUMBER 678-895-2900

STATE BAR OF GEORGIA NUMBER 743720

Filed in Open Court

\_\_\_\_\_

By \_\_\_\_\_

U.S. DEPARTMENT OF JUSTICE  
Statement of Special Assessment Account

This statement reflects your special assessment only. There may be other penalties imposed at sentencing.

ACCOUNT INFORMATION	
CRIMINAL INDICTMENT NO.:	1:06-CR-472-05-RWS (Superseding)
DEFENDANT'S NAME:	<b>Susan Khodadad</b>
PAY THIS AMOUNT:	\$100.00

INSTRUCTIONS:

1. PAYMENT MUST BE MADE BY **CERTIFIED CHECK** OR **MONEY ORDER**  
PAYABLE TO:

CLERK OF COURT, U.S. DISTRICT COURT

**\*PERSONAL CHECKS WILL NOT BE ACCEPTED\***

2. PAYMENT MUST REACH THE CLERK'S OFFICE WITHIN 30 DAYS OF ENTRY OF THE GUILTY PLEA.
3. PAYMENT SHOULD BE SENT OR HAND DELIVERED TO:  
  
Clerk of Court, U.S. District Court  
2211 U.S. Courthouse  
75 Spring Street, S.W.  
Atlanta, Georgia 30303  
(Do not Send Cash)
4. INCLUDE DEFENDANT'S NAME ON **CERTIFIED CHECK** OR **MONEY ORDER**
5. ENCLOSE THIS COUPON TO INSURE PROPER AND PROMPT APPLICATION OF PAYMENT
6. PROVIDE PROOF OF PAYMENT TO AUSA PAUL N. MONNIN WITHIN THIRTY DAYS AFTER THE GUILTY PLEA HEARING.