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7

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA, ) CASE NO. 1:10-CR-0398 AWI  
 )  
12 Plaintiff, ) MEMORANDUM OF PLEA AGREEMENT  
 ) PURSUANT TO RULE 11(C) OF THE  
13 v. ) FEDERAL RULES OF CRIMINAL PROCEDURE  
 )  
14 JAMES LEE LANKFORD, ) DATE:  
 ) TIME:  
15 Defendant. ) CTRM:  
 )  
16 \_\_\_\_\_ )  
17

18 Pursuant to Rule 11(c) of the Federal Rules of Criminal  
19 Procedure, the United States of America, by and through Benjamin B.  
20 Wagner, the United States Attorney for the Eastern District of  
21 California, and Assistant United States Attorneys Christopher D. Baker  
22 and Michael G. Tierney, and Defendant, James Lee Lankford, and his  
23 attorneys, Victor Chavez and Peggy Sasso, have agreed as follows.  
24 This document contains the complete Memorandum of Plea Agreement  
25 ("Plea Agreement") between the United States Attorney's Office for the  
26 Eastern District of California ("Government") and defendant James Lee  
27 Lankford regarding this case. This Plea Agreement is limited to the  
28 United States Attorney's Office for the Eastern District of California

1 and cannot bind any other federal, state, or local prosecuting,  
2 administrative, or regulatory authorities.

3 1. Charges.

4 The defendant acknowledges that he has been charged in a forty-  
5 nine (49) count indictment as follows:

6 Mail Fraud in violation of Title 18, United States Code, Section  
7 1341 (49 counts); and

8 Criminal Forfeiture pursuant to Title 18, United States Code,  
9 Section 982(a)(2)(A).

10 2. Nature, Elements and Possible Defenses.

11 The defendant has read the charges against him contained in the  
12 indictment, and those charges have been fully explained to him by his  
13 attorney. Further, the defendant fully understands the nature and  
14 elements of the crime(s) in Counts One, Three, Four, Five, Thirteen,  
15 Thirty-Four and Forty-Eight of the indictment to which he is pleading  
16 guilty, together with the possible defenses thereto, and has discussed  
17 them with his attorney.

18 COUNT ONE, THREE, FOUR, FIVE, THIRTEEN,  
19 THIRTY-FOUR and FORTY-EIGHT:

20 The elements of the crime of Mail Fraud are:

21 First, the defendant devised a scheme to defraud or plan for  
22 obtaining money or property by false or fraudulent  
pretenses, representations, or promises;

23 Second, the defendant knew that the promises or statements were  
false;

24 Third, the false or fraudulent pretenses, representations, or  
25 promises were material; that is, they had a natural  
tendency to influence, or were capable of influencing,  
26 a person to part with money or property;

27 Fourth, the defendant acted with the intent to defraud; and

28 Fifth, defendant used, or caused to be used, the mails to  
carry out or attempt to carry out an essential part of

1 the scheme.

2 3. Agreements by the Defendant.

3 (a) Defendant agrees that this plea agreement shall be filed  
4 with the court and become a part of the record of the case.

5 (b) Defendant agrees to enter a plea of guilty to Counts One,  
6 Three, Four, Five, Thirteen, Thirty-Four and Forty-Eight of the  
7 indictment which charge him with Mail Fraud in violation of Title 18,  
8 United States Code, Section 1341.

9 (c) Defendant understands and agrees that he will not be allowed  
10 to withdraw his plea should the Court fail to follow the government's  
11 sentencing recommendations.

12 (d) Defendant knowingly and voluntarily waives his  
13 Constitutional and statutory rights to appeal his plea, conviction,  
14 restitution imposed, forfeiture order and sentence. This waiver of  
15 appeal includes, but is not limited to, an express waiver of  
16 defendant's right to appeal his plea, conviction, restitution imposed,  
17 forfeiture order and sentence on any ground, including any appeal  
18 right conferred by 18 U.S.C. § 3742, and defendant further agrees not  
19 to contest his plea, conviction, restitution imposed, forfeiture order  
20 and sentence in any post-conviction proceeding, including but not  
21 limited to a proceeding under 28 U.S.C. § 2255.

22 (e) Defendant further acknowledges that his plea of guilty is  
23 voluntary and that no force, threats, promises or representations have  
24 been made to anybody, nor agreement reached, other than those set  
25 forth expressly in this agreement, to induce the defendant to plead  
26 guilty.

27 (f) Defendant agrees that his base offense level for Mail Fraud  
28 is seven (7) pursuant to Section 2B1.1(a)(1) of the United States

1 Sentencing Commission Guidelines Manual ("Sentencing Guidelines"),  
2 plus twenty (20) levels for a loss more than \$7,000,000 but less than  
3 \$20,000,000 (§ 2B1.1(b)(1)(K)), plus two (2) levels for his scheme  
4 involving ten or more victims (§ 2B1.1(b)(2)(A)(i)), plus two (2)  
5 levels for the defendant deriving more than \$1,000,000 in gross  
6 receipts from one or more financial institutions (§ 2B1.1(b)(15)(A)),  
7 plus two (2) levels for vulnerable victim (§ 3A1.1(b)(1)).

8 (g) Defendant agrees not to move for any downward adjustments in  
9 his offense level under either Chapters Two, Three, Four and/or Five  
10 of the Sentencing Guidelines, but may move for a downward variance of  
11 his sentence under the factors set forth in 18 U.S.C. § 3553. The  
12 defendant understands and agrees that this agreement by him includes,  
13 without limitation, not moving for a downward departure of his offense  
14 level, criminal history category or criminal history points as defined  
15 by the Sentencing Guidelines. The defendant acknowledges that, if the  
16 defendant requests or suggests in any manner a different sentence than  
17 what is called for under this paragraph, the Government, at its sole  
18 discretion, may withdraw from this plea agreement and continue with  
19 its prosecution of the defendant as if the parties had not entered  
20 into this Plea Agreement.

21 (h) Defendant understands that the Court must consult the  
22 Sentencing Guidelines (as promulgated by the Sentencing Commission  
23 pursuant to the Sentencing Reform Act of 1984, 18 U.S.C. §§ 3551-3742  
24 and 28 U.S.C. §§ 991-998, and as modified by United States v. Booker  
25 and United States v. Fanfan, 543 U.S. 220 (2005)), and must take them  
26 into account when determining a final sentence. Defendant understands  
27 that the Court will determine a non-binding and advisory guideline  
28 sentencing range for this case pursuant to the Sentencing Guidelines.

1 Defendant further understands that the Court will consider whether  
2 there is a basis for departure from the guideline sentencing range  
3 (either above or below the guideline sentencing range) because there  
4 exists an aggravating or mitigating circumstance of a kind, or to a  
5 degree, not adequately taken into consideration by the Sentencing  
6 Commission in formulating the Guidelines. Defendant further  
7 understands that the Court, after consultation and consideration of  
8 the Sentencing Guidelines, must impose a sentence that is reasonable  
9 in light of the factors set forth in 18 U.S.C. § 3553(a).

10 (i) Defendant agrees to waive all rights under the "Hyde  
11 Amendment," Section 617, P.L. 105-119 (Nov. 26, 1997), to recover  
12 attorneys' fees or other litigation expenses in connection with the  
13 investigation and prosecution of all charges in the above-captioned  
14 matter and of any related allegations (including without limitation  
15 any charges to be dismissed pursuant to this Agreement and any charges  
16 previously dismissed).

17 (j) Defendant agrees that his conduct is governed by the  
18 Mandatory Restitution Act pursuant to 18 U.S.C. § 3663A(c)(1)(A)(ii)  
19 and agrees to pay the full amount of restitution as ordered by the  
20 court to all victims affected by this offense, including but not  
21 limited to the victims covered in the factual basis, victims covered  
22 in those counts to be dismissed as part of the plea agreement pursuant  
23 to 18 U.S.C. § 3663A(a)(3) and other victims as a result of the  
24 defendant's conduct for the offenses charged from the periods of April  
25 1999 through September 2010 and in an amount determined by the court  
26 at sentencing.

27 (k) Defendant agrees to make a full and complete disclosure of  
28 defendant's assets and financial condition, and will complete the

1 United States Attorney's Office's "Authorization to Release  
2 Information" and "Financial Affidavit" within five (5) weeks from the  
3 entry of the defendant's change of plea. The defendant also agrees to  
4 have the court enter an order to that effect. The defendant  
5 understands that this plea agreement is voidable by the government if  
6 the defendant fails to complete and provide the described  
7 documentation to the United States Attorney's office within the  
8 allotted time.

9 (1) Defendant agrees to forfeit to the United States voluntarily  
10 and immediately all right, title, and interest to any and all assets  
11 seized pursuant to 18 U.S.C. § 982(a)(2), 28 U.S.C. § 2461, and Fed.  
12 R. Crim. P. 32.2(b)(1). Those assets include, but are not limited to,  
13 the following: a personal forfeiture money judgment in an amount  
14 equal to the restitution ordered by the court. Further, the defendant  
15 agrees that the amount ordered by the court is a reasonable reflection  
16 of the amount that the defendant obtained directly or indirectly, as  
17 the result of the underlying criminal scheme and the violations of 18  
18 U.S.C. §§ 1341, 982(a)(2), and 28 U.S.C. § 2461. As part of the  
19 imposition of the personal forfeiture money judgment, the Defendant  
20 agrees to provide the United States Attorney's Office with signed  
21 waivers related to federal and state income tax returns, and a waiver  
22 of the Right to Financial Privacy Act, which includes, but is not  
23 limited to, any credit records, communication records, DMV records,  
24 educational records, employment records, military records, business  
25 records, and credit reports maintained by any consumer credit  
26 reporting entity, until such time as the money judgment is satisfied.  
27 In this regard, the Defendant agrees to complete and sign a copy of  
28 IRS Form 8821 (relating to the voluntary disclosure of federal tax

1 return information).

2 Defendant agrees to fully assist the government in the forfeiture  
3 of any seized assets or assets later determined to be forfeitable and  
4 to take whatever steps are necessary to pass clear title to the United  
5 States. Defendant shall not sell, transfer, convey, or otherwise  
6 dispose of any assets found to be connected to the criminal events  
7 charged in the Indictment.

8 Defendant agrees not to file a claim to any of the seized  
9 property in any criminal proceeding or civil proceeding,  
10 administrative or judicial, which is or may be initiated. Defendant  
11 agrees to waive right to notice of any forfeiture proceeding involving  
12 such property, and agrees to not file a claim or assist others in  
13 filing a claim in such a proceeding.

14 The defendant waives the notice provisions of Fed. R. Crim. P.  
15 7(c) and 32.2(a), waives oral pronouncement of forfeiture at the time  
16 of sentencing and any defects in such pronouncement that pertain to  
17 forfeiture, and waives any defenses to forfeiture, including any  
18 defense predicated on the Ex Post Facto, Double Jeopardy, and  
19 Excessive Fines Clauses of the United States Constitution. The  
20 defendant knowingly and voluntarily waives any right to jury trial in  
21 any criminal or civil forfeiture proceeding.

22 (m) If the defendant's conviction on the counts to which he is  
23 pleading is ever vacated at the defendant's request, or his sentence  
24 is ever reduced at his request, the government shall have the right  
25 to: (1) prosecute the defendant on any of the counts to which he  
26 pleaded guilty; (2) reinstate any counts that may be dismissed under  
27 this agreement; and (3) file any new charges that would otherwise be  
28 barred by this agreement. The decision to pursue any or all of these

1 options is solely in the discretion of the United States Attorney's  
2 Office. By signing this agreement, the defendant agrees to waive any  
3 objections, motions, and defenses he might have to the government's  
4 decision, including Double Jeopardy. In particular, he agrees not to  
5 raise any objections based on the passage of time with respect to such  
6 counts including, without limitation, any statutes of limitation or  
7 any objections based on the Speedy Trial Act or the Speedy Trial  
8 Clause of the Sixth Amendment.

9 If it is determined that the defendant has violated any provision  
10 of this Agreement or if the defendant successfully moves to withdraw  
11 his plea: (1) all statements made by the defendant to the government  
12 or other designated law enforcement agents, or any testimony given by  
13 the defendant before a grand jury or other tribunal, whether before or  
14 after his Agreement, shall be admissible in evidence in any criminal,  
15 civil, or administrative proceedings hereafter brought against the  
16 defendant; and (2) the defendant shall assert no claim under the  
17 United States Constitution, any statute, the Federal Rules of Criminal  
18 Procedure, Rule 410 of the Federal Rules of Evidence, or any other  
19 federal rule, that statements made by the defendant before or after  
20 this Agreement, or any leads derived therefrom, should be suppressed.  
21 By signing this Agreement, the defendant waives any and all rights in  
22 the foregoing respects.

23 (n) Defendant acknowledges and understands that the plea offer  
24 made to him here by the government is a "package offer"; that is:

25 A. The defendant understands that the offer made to him is  
26 conditioned on co-defendant Jon Vance McDade pleading guilty according  
27 to the terms of his respective plea offer. The defendant understands  
28 that if this co-defendant declines, refuses or fails to plead guilty

1 according to his respective offer, then, at the option of the  
2 government, the defendant will not be allowed to enter a plea of  
3 guilty to the offer made to him by the government. However, if co-  
4 defendant Jon Vance McDade fails or refuses to enter his plea  
5 according to his respective offer and the defendant has already  
6 entered his plea, then the government, in its sole discretion, has the  
7 ability to withdraw from the plea agreement with the defendant and  
8 pursue the original charges as to this defendant; and

9 B. Recognizing that this is a package offer, the defendant also  
10 confirms that he has not been threatened or coerced by any other  
11 person, including the co-defendant, and enters this agreement of his  
12 own volition.

13 4. Agreements by the Government.

14 (a) The government will recommend a two-level reduction (if the  
15 offense level is less than 16) or a three-level reduction (if the  
16 offense level reaches 16) in the computation of his offense level if  
17 the defendant clearly demonstrates acceptance of responsibility for  
18 his conduct as defined in Section 3E1.1 of the United States  
19 Sentencing Commission Guidelines Manual ("Sentencing Guidelines").

20 (b) The government agrees that the defendant's base offense  
21 level for Mail Fraud is seven (7) pursuant to Section 2B1.1(a)(1) of  
22 the Sentencing Guidelines, plus twenty (20) levels for a loss more  
23 than \$7,000,000 but less than \$20,000,000 (§ 2B1.1(b)(1)(K)), plus two  
24 (2) levels for his scheme involving ten or more victims  
25 (§ 2B1.1(b)(2)(A)(i)), plus two (2) levels for the defendant deriving  
26 more than \$1,000,000 in gross receipts from one or more financial  
27 institutions (§ 2B1.1(b)(15)(A)), plus two (2) levels for vulnerable  
28 victim (§ 3A1.1(b)(1)).

1 (c) The government agrees to recommend that the defendant be  
2 sentenced to imprisonment at the low end of the applicable guideline  
3 range as calculated in the Presentence Investigation Report.

4 (d) To the extent such a recommendation is consistent with the  
5 Sentencing Guidelines and imposition of sentences under Title 18, the  
6 government will recommend that Count(s) One run concurrent to Counts  
7 Three, Four, Five, Thirteen, Thirty-Four and Forty-Eight.

8 (e) The defendant acknowledges and understands that the  
9 government makes no other representations to him regarding fines,  
10 whether any other specific offense characteristics apply to his  
11 conduct (including an enhancement for use of sophisticated means under  
12 § 2B1.1(b)(10)(C) of the Sentencing Guidelines), the restitution owed,  
13 his criminal history or criminal history points under Chapter Four or  
14 whether additional enhancements or reductions under Chapter Three or  
15 Five of the Sentencing Guidelines apply and defendant understands that  
16 the government is free to comment and to make recommendations to the  
17 court and the probation office regarding those matters.

18 (f) The government agrees to dismiss the remaining counts of the  
19 indictment at the time of sentencing.

20 5. Factual Basis.

21 Defendant will plead guilty because he is in fact guilty of the  
22 crimes set forth in Count One of the indictment. Defendant also  
23 agrees that the following are the facts of this case, although he  
24 acknowledges that, as to other facts, the parties may disagree:

25 Beginning at a date no later than on or about April 1, 1999  
26 and continuing through on or about September 23, 2010, in the  
27 State and Eastern District of California and elsewhere,  
28 Defendant James Lee Lankford and his co-defendant Jon Vance  
McDade devised and intended to devise a scheme and artifice to  
defraud elderly property owners and lending institutions of  
money and property, and obtained money and property from

1 individuals and lending institutions by means of materially  
2 false and fraudulent pretenses, representations and promises.

3 Specifically, the defendant, working as a realtor and broker,  
4 located property owners who wanted to sell their property "by  
5 owner." Defendant would then fraudulently induce the elderly  
6 property owners to sell their homes to him and to provide  
7 seller-backed financing. In return, Lankford agreed to make  
8 interest-only payments and to pay the principal amount at a  
9 future date. The defendant fraudulently induced the elderly  
10 sellers into believing that their financing was secured by the  
11 property itself by filing a Short Form Deed of Trust and  
12 Assignment of Rents with the Stanislaus County Recorder's  
13 Office.

14 Unbeknownst to the elderly sellers, the defendant also  
15 obtained mortgages from lending institutions to finance the  
16 purchase of the same properties. In order to obtain the  
17 mortgages, the defendant would not inform the lending  
18 institutions that he had obtained seller-backed financing.  
19 The defendant and co-defendant McDade also would make other  
20 material misrepresentations on the loan applications and in  
21 some instances, submitted falsified documents regarding  
22 monthly income to ensure approval for the loans.

23 During the mortgage closing, the defendant, as broker,  
24 directed that a portion of the money supplied by the lending  
25 institution be released to him or co-defendant McDade rather  
26 than go to the elderly sellers for the purchase of the  
27 property. The amount of the proceeds diverted was equivalent  
28 to the amount the seller had agreed to finance.

The defendant would then lull the elderly sellers into  
believing that their sales transactions were proceeding  
according to the agreement by mailing them monthly interest-  
only payments via the U.S. Postal Service or other commercial  
mail carriers. Defendant also lulled the lending institutions  
into believing the transactions were legitimate by causing a  
Deed of Trust to be recorded for the properties and mailed to  
the lending institution via U.S. Postal Service or other  
commercial mail carrier. The defendant fraudulently induced  
the lending institutions into believing they had the only lien  
on the purchased property by withholding from escrow the  
documents containing the seller financing information and by  
recording the sellers' deed after the close of escrow for the  
conventional mortgage financing.

In many instances, the defendant would then seek to refinance  
the property with another lending institution. In order to  
refinance, the defendant would file a fraudulent Reconveyance  
Deed with the Stanislaus County Recorder's Office, purportedly  
to show that the elderly property owner had been paid in full.  
In some instances, the defendant would deceive the elderly  
property owners into signing the Reconveyance Deed by telling  
them it had another legal purpose, and in other instances, the

1 defendant would cause the filing of a Reconveyance Deed  
 2 containing forged signatures.

3 After fraudulently eliminating the seller's lien on the  
 4 property, the defendant would then fraudulently obtain  
 5 refinancing and draw out any equity that had accumulated in  
 6 the property. Defendant, having refinanced the property,  
 and/or in some instances having obtained additional financing  
 by reselling the property to his roommate co-defendant McDade,  
 would then allow the property to go into foreclosure, or would  
 sell it as a short sale through his real estate business known  
 as Century 21-Apollo Realty.

7 As a result of his actions, the defendant caused an estimated  
 8 loss to ten or more victims including elderly property owners,  
 lending institutions, and banks, of more than \$7,000,000.

9 On or about the dates set forth below, in the Eastern District  
 10 of California, and elsewhere, for the purpose of carrying out  
 11 and executing, and in furtherance of the scheme and artifice  
 12 to defraud, the defendant knowingly caused the following items  
 13 to be placed in an authorized depository for mail matter, to  
 14 be sent and delivered by the U.S. Postal Service or by a  
 private or commercial interstate carrier, and knowingly caused  
 them to be delivered by the United States Postal Service or a  
 private or commercial interstate carrier according to the  
 directions thereon:

<u>COUNT</u>	<u>ON OR ABOUT DATE</u>	<u>DOCUMENT/ INSTRUMENT</u>	<u>MAILING</u>
ONE	9/26/06	Deeds of Trust	Mailed by Stanislaus County Recorder's Office to GreenPoint Mortgage
THREE	3/05/07	Deeds of Trust	Mailed by Stanislaus County Recorder's Office to Aegis Wholesale Corp.
FOUR	7/03/07	Deed of Trust	Mailed by Stanislaus County Recorder's Office to World Savings Bank
FIVE	3/31/08	Check #4567 in the amount of \$766.66	Mailed by defendant to victim E.K.
THIRTEEN	1/29/09	Check #5321 in the amount of \$850.00	Mailed by defendant to victim S.F.

THIRTY- FOUR	2/01/10	Check #5600 in the amount of \$395.21	Mailed by defendant to victim T.T.
FORTY- EIGHT	9/07/10	Check #5664 in the amount of \$589.31	Mailed by defendant to victim M.R. & P.R.

At all relevant times, the defendant acted with the intent to defraud and defrauded more than ten victims of money and property.

6. Potential Sentence.

The following is the maximum potential sentence which defendant faces as to each count:

(a) Imprisonment.

Maximum: Twenty (20) years.

(b) Fine.

Maximum: Two Hundred and Fifty Thousand dollars (\$250,000.00).

(c) Both such fine and imprisonment.

(d) Restitution - Mandatory

(e) Term of Supervised Release:

Maximum: Three (3) years.

(Should the defendant violate any of the terms of his supervised release, he can be returned to prison for the period of supervised release actually imposed by the Court or two (2) years, whichever is less.)

(f) Penalty Assessment.

Mandatory: One Hundred dollars (\$100.00).

7. Waiver of Rights.

Defendant understands that by pleading guilty he surrenders certain rights, including the following:

(a) If defendant persisted in a plea of not guilty to the

1 charges against him, he would have the right to be represented by an  
2 attorney at all stages of the proceedings, and would have a right to a  
3 public and speedy trial. The trial could be either a jury trial or a  
4 trial by a judge sitting without a jury. Defendant has a right to a  
5 jury trial. However, in order that the trial be conducted by the  
6 judge sitting without a jury, defendant, the government and the judge  
7 all must agree that the trial be conducted by the judge without a  
8 jury.

9 (b) If the trial were a jury trial, the jury would be composed  
10 of twelve lay persons selected at random. Defendant and his attorney  
11 would have a say in who the jurors would be by removing prospective  
12 jurors for cause where actual bias or other disqualification is shown,  
13 or without cause by exercising peremptory challenges. The jury would  
14 have to agree unanimously before it could return a verdict of either  
15 guilty or not guilty. The jury would be instructed that defendant is  
16 presumed innocent and that it could not convict him unless, after  
17 hearing all the evidence, it was persuaded of his guilt beyond a  
18 reasonable doubt.

19 (c) If the trial were held before a judge without a jury, the  
20 judge would find the facts and determine, after hearing all the  
21 evidence, whether or not he was persuaded of the defendant's guilt  
22 beyond a reasonable doubt.

23 (d) At a trial, whether by a jury or a judge, the government  
24 would be required to present its witnesses and other evidence against  
25 defendant. Defendant would be able to confront those government  
26 witnesses and his attorney would be able to cross-examine them. In  
27 turn, defendant could present witnesses and other evidence on his own  
28 behalf. If the witnesses for defendant would not appear voluntarily,

1 he could require their attendance through the subpoena power of the  
2 Court. At trial, the defendant would also have the right to  
3 assistance of legal counsel. If he could not afford legal counsel,  
4 one would be appointed for him by the court at no expense to him.

5 (e) At a trial, defendant would have a privilege against self-  
6 incrimination so that he could decline to testify, and no inference of  
7 guilt could be drawn from this refusal to testify.

8 Defendant understands that by pleading guilty he is waiving all  
9 of the rights set forth above and defendant's attorney has explained  
10 those rights to him and the consequences of his waiver of those  
11 rights.

12 8. Questions by Court.

13 Defendant understands that if the court questions him under oath,  
14 on the record and in the presence of counsel, about the offense to  
15 which he has pleaded guilty, his answers, if false, may later be used  
16 against him in a prosecution for perjury.

17 9. Entire Agreement.

18 This plea of guilty is freely and voluntarily made and not the  
19 result of force or threats or of promises apart from those set forth  
20 in this plea agreement. There have been no representations or  
21 promises from anyone as to what sentence this Court will impose.

22 10. Court not a Party.

23 It is understood by the parties that the sentencing court is  
24 neither a party to nor bound by this agreement and the sentencing  
25 judge is free to impose the maximum penalties as set forth in  
26 paragraph 6. Further, in making its sentencing decision, the Court  
27 may take into consideration any and all facts and circumstances  
28 concerning the criminal activities of defendant, including activities

1 which may not have been charged in the indictment.

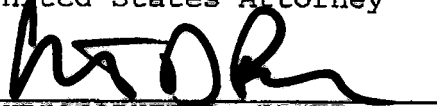
2 11. Presentence Report.

3 Defendant understands that the United States Probation Office is  
 4 not a party to this agreement and will conduct an independent  
 5 investigation of defendant's activities and his background. It will  
 6 then prepare a presentence report which it will submit to the Court as  
 7 its independent sentencing recommendation. In addition, the  
 8 government will fully apprise the Probation Office, as well as the  
 9 Court, of the full and true nature, scope and extent of the  
 10 defendant's criminal activities, including information on his  
 11 background and criminal history.

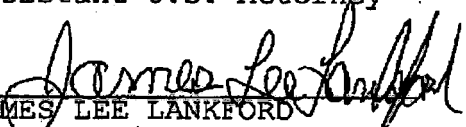
BENJAMIN B. WAGNER  
United States Attorney

12  
13  
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16 Dated: 8/30/2013

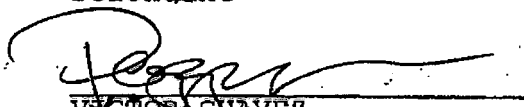
By:

  
 CHRISTOPHER D. BAKER  
 MICHAEL G. TIERNEY  
 Assistant U.S. Attorney

17  
18  
19 Dated: 8-28-13<sup>(P)</sup>

  
 JAMES LEE LANKFORD  
 Defendant

20  
21 Dated: 8/30/13

  
 VICTOR CHAVEZ  
 PEGGY SASSO  
 Attorneys for Defendant