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 8 United States of America

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 10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA
 12 SOUTHERN DIVISION

13 UNITED STATES OF AMERICA,) Case No. SA CR 08-180-DOC
)
14 Plaintiff,) ADVISEMENTS PURSUANT TO RULE 11
) AND FACTUAL BASIS FOR GUILTY
15 v.) PLEA TO INDICTMENT
)
16 BEATA PRIORE,) Trial Date: September 17. 2013
) Time: 2:00 p.m.
17 Defendant.) Place: Courtroom of the
) Honorable David O. Carter

18 _____
 19 NATURE OF THE OFFENSE

20 1. Defendant understands that for defendant to be guilty
 21 of the crime charged in count one, that is conspiracy to commit
 22 wire fraud, in violation of Title 18, United States Code, Section
 23 371, the following must be true: (1) beginning on or about
 24 November 29, 2006, and ending on or about March 7, 2007, there
 25 was an agreement between two or more persons to commit at least
 26 one crime as charged in the indictment; (2) defendant became a
 27 member of the conspiracy knowing of at least one of its objects
 28 and intending to help accomplish it; and (3) one of the members

1 of the conspiracy performed at least one overt act on or after
2 November 29, 2006 for the purpose of carrying out the conspiracy.

3 Defendant understands that for defendant to be guilty of the
4 crimes charged in counts two through six, that is wire fraud, in
5 violation of Title 18, United States Code, Section 1343, the
6 following must be true: (1) defendant knowingly participated in
7 a scheme or plan to defraud, or a scheme or plan for obtaining
8 money or property by means of false or fraudulent pretenses,
9 representations, or promises; (2) the statements made or facts
10 omitted as part of the scheme were material; that is, they had a
11 natural tendency to influence, or were capable of influencing, a
12 person to part with money or property; (3) defendant acted with
13 the intent to defraud; that is, the intent to deceive or cheat;
14 and (4) defendant transmitted, or caused to be transmitted, a
15 wire communication in interstate commerce to carry out or attempt
16 to carry out an essential part of the scheme.

17 PENALTIES AND RESTITUTION

18 2. Defendant understands that the statutory maximum
19 sentence that the Court can impose for a violation of Title
20 18, United States Code, Section 371 is: 5 years imprisonment; a
21 three-year period of supervised release; a fine of \$250,000 or
22 twice the gross gain or gross loss resulting from the offense,
23 whichever is greatest; and a mandatory special assessment of
24 \$100. Defendant understands that the statutory maximum sentence
25 that the Court can impose for a violation of Title 18, United
26 States Code, Section 1343 is: 20 years imprisonment; a
27 three-year period of supervised release; a fine of \$250,000 or
28 twice the gross gain or gross loss resulting from the offense,

1 whichever is greatest; and a mandatory special assessment of
2 \$100. Defendant understands, therefore, that the total maximum
3 sentence for all offenses to which defendant is pleading guilty
4 is: 105 years imprisonment; a three-year period of supervised
5 release; a fine of \$ 1,500,000 or twice the gross gain or gross
6 loss resulting from the offenses, whichever is greatest; and a
7 mandatory special assessment of \$ 600.

8 3. Defendant understands that supervised release is a
9 period of time following imprisonment during which defendant will
10 be subject to various restrictions and requirements. Defendant
11 understands that if defendant violates one or more of the
12 conditions of any supervised release imposed, defendant may be
13 returned to prison for all or part of the term of supervised
14 release authorized by statute for the offense that resulted in
15 the term of supervised release, which could result in defendant
16 serving a total term of imprisonment greater than the statutory
17 maximum stated above.

18 4. Defendant understands that, by pleading guilty,
19 defendant may be giving up valuable government benefits and
20 valuable civic rights, such as the right to vote, the right to
21 possess a firearm, the right to hold office, and the right to
22 serve on a jury. Defendant understands that once the court
23 accepts defendant's guilty plea, it will be a federal felony for
24 defendant to possess a firearm or ammunition. Defendant
25 understands that the conviction in this case may also subject
26 defendant to various other collateral consequences, including but
27 not limited to revocation of probation, parole, or supervised
28 release in another case and suspension or revocation of a

1 professional license. Defendant understands that unanticipated
2 collateral consequences will not serve as grounds to withdraw
3 defendant's guilty plea.

4 5. Defendant understands that, if defendant is not a
5 United States citizen, the felony conviction in this case may
6 subject defendant to: removal, also known as deportation, which
7 may, under some circumstances, be mandatory; denial of
8 citizenship; and denial of admission to the United States in the
9 future. The court cannot, and defendant's attorney also may not
10 be able to, advise defendant fully regarding the immigration
11 consequences of the felony conviction in this case. Defendant
12 understands that unexpected immigration consequences will not
13 serve as grounds to withdraw defendant's guilty plea.

14 FACTUAL BASIS

15 6. Defendant admits that defendant is, in fact, guilty of
16 the offenses to which defendant is pleading guilty. Defendant
17 and the United States Attorney's Office ("USAO") agree to the
18 statement of facts provided below and agree that this statement
19 of facts is sufficient to support a plea of guilty to the charges
20 in the Indictment.

21 Defendant Beata Priore, agreed with others that, between
22 November 29, 2006 and May 7, 2007, they knowingly made false
23 statements to an undercover FBI agent, posing as "Thomas Moore"
24 ("UCA") in an effort to persuade the UCA to invest in a high
25 yield investment program. The statements that Ms. Priore and
26 others made were untrue and designed to persuade the UCA to
27 invest. These statements were made with the intent to defraud.
28 Specifically, on November 30, 2006, Ms. Priore, in a telephone

1 call, told the UCA: (1) Ms. Priore was calling from the trading
 2 group in Frankfurt known as TSI Consulting Group ("TSI"), (2) the
 3 investment program run by TSI was "risk free," and (3) that Ms.
 4 Priore had been the business of high yield investments for seven
 5 years and had seen investors make returns of up to 650% in 30-45
 6 days.

7 At the time the Ms. Priore made these statements, she knew
 8 that they were false and material in that the statements were
 9 designed to influence the UCA to send money for the investment.

10 Furthermore, as an essential part of this scheme to defraud,
 11 and conspiracy, the interstate wires and telephone lines were
 12 used.

13 In furtherance of this scheme to defraud and conspiracy, the
 14 following wire communications were made:

COUNT	DATE	WIRE TRANSMISSION
2	11/29/06	Email sent from amartyk@yahoo.com through a server in Las Vegas, Nevada to the UCA in Newport Beach, California
3	11/29/06	Email sent from amartyk@yahoo.com through a server in Las Vegas, Nevada to the UCA in Newport Beach, California
4	11/30/06	Email from defendant Priore, sent from drbpriore@maxfoundation.us , sent through a server in Arizona to the UCA in Newport Beach, California

COUNT	DATE	WIRE TRANSMISSION
5	12/01/06	Email from defendant Priore, sent from drbpriore@maxfoundation.us , sent through a server in Arizona to the UCA in Newport Beach, California
6	12/01/06	Email from defendant Priore, sent from drbpriore@maxfoundation.us , sent through a server in Arizona to the UCA in Newport Beach, California

WAIVER OF CONSTITUTIONAL RIGHTS

7. Defendant understands that by pleading guilty, defendant gives up the following rights:

- a) The right to persist in a plea of not guilty.
- b) The right to a speedy and public trial by jury.
- c) The right to be represented by counsel -- and if necessary have the court appoint counsel - at trial. Defendant understands, however, that, defendant retains the right to be represented by counsel -- and if necessary have the court appoint counsel -- at every other stage of the proceeding.
- d) The right to be presumed innocent and to have the burden of proof placed on the government to prove defendant guilty beyond a reasonable doubt.
- e) The right to confront and cross-examine witnesses against defendant.
- f) The right to testify and to present evidence in opposition to the charges, including the right to compel the attendance of witnesses to testify.

1 g) The right not to be compelled to testify, and, if
2 defendant chose not to testify or present evidence, to have that
3 choice not be used against defendant.

4 h) Any and all rights to pursue any affirmative
5 defenses, Fourth Amendment or Fifth Amendment claims, and other
6 pretrial motions that have been filed or could be filed.

7 WAIVER OF APPEAL OF CONVICTION

8 8. Defendant understands that, with the exception of an
9 appeal based on a claim that defendant's guilty plea was
10 involuntary, by pleading guilty defendant is waiving and giving
11 up any right to appeal defendant's conviction on the offense to
12 which defendant is pleading guilty.

13 COURT AND PROBATION OFFICE NOT PARTIES

14 9. Defendant understands that the Court and the United
15 States Probation are not required to accept the parties'
16 statement of facts set forth above.

17 10. Defendant understands that both defendant and the USAO
18 are free to: (a) supplement the facts stated in paragraph 6 above
19 by supplying relevant information to the United States Probation
20 Office and the Court, (b) correct any and all factual
21 misstatements relating to the Court's Sentencing Guidelines
22 calculations and determination of sentence, and (c) argue on
23 appeal and collateral review that the Court's Sentencing
24 Guidelines calculations and the sentence it chooses to impose are
25 not error,

26 11. Defendant understands that even if the Court finds
27 facts different from those stated in paragraph 6 above, and/or
28 imposes any sentence up to the maximum established by statute,

1 defendant cannot, for that reason, withdraw defendant's guilty
2 plea. Defendant understands that no one -- not the prosecutor,
3 defendant's attorney, or the Court -- can make a binding
4 prediction or promise regarding the sentence defendant will
5 receive, except that it will be within the statutory maximum.

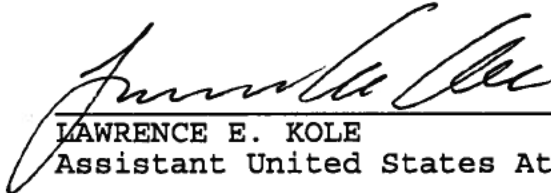
6 NO AGREEMENT

7 12. Defendant understands that, except for the statement of
8 facts set forth in paragraph 6 above, there are no promises,
9 understandings, or agreements between the USAO and defendant or
10 defendant's attorney, and that no promise, understanding, or
11 agreement may be entered into unless in a writing signed by all
12 parties or on the record in court.

13 Dated: September 17, 2013.


14 ANDRÉ BIROTTE JR.
United States Attorney
DENNISE D. WILLETT

15 Assistant United States Attorney
16 Chief, Santa Ana Branch

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18 _____
LAWRENCE E. KOLE
19 Assistant United States Attorney

20 Attorneys for Plaintiff United
States of America

21 Dated: September 17, 2013.

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23 _____
EDWARD ROBINSON

24 Attorney for Defendant
25 Beata Gizella Priore

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