

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA)	
)	
v.)	
)	Criminal Action No. 21-49-CFC
ANA SOTO,)	
)	
Defendant.)	

MEMORANDUM OF PLEA AGREEMENT

Pursuant to discussions between the United States of America, by and through its attorneys, David C. Weiss, United States Attorney for the District of Delaware, and Lesley F. Wolf, Assistant United States Attorney, and the defendant, Ana Soto, by and through her attorney, Conor Wilson, Esquire, the following agreement is hereby entered into by the respective parties:

1. The defendant hereby agrees to plead guilty in the United States District Court for the District of Delaware to Count Two of the Indictment, which charges the defendant with Wire Fraud, in violation of 18 U.S.C. § 1343 and Count Eighteen of the Indictment, which charges the defendant with Money Laundering, in violation of 18 U.S.C. § 1957.

2. At or near the time of sentencing, the United States will dismiss Counts One and Counts Three through Seventeen of the Indictment.

3. The defendant understands that the maximum penalties for Count Two are: 20 years of imprisonment; a \$250,000 fine or twice the gross gain or loss from the offense, whichever is greater; 3 years of supervised release; restitution; and a \$100 special assessment. The defendant further understands that the maximum

penalties for Count Eighteen are: 10 years of imprisonment; a \$250,000 fine or twice the gross gain or loss from the offense, whichever is greater; 3 years of supervised release; restitution; and a \$100 special assessment.

4. The defendant understands that if there were a trial with regard to Count Two, the government would have to prove the following elements beyond a reasonable doubt: (1) that there was a scheme or artifice to defraud; (2) that the defendant knowingly devised or participated in the scheme or artifice with the intent to defraud; and (3) that in advancing, furthering, or carrying out the scheme, the defendant caused interstate wire communications to take place as specified in the Indictment. The defendant knowingly, voluntarily, and intelligently admits her guilt to each of the above-described elements of Count Two. The defendant also understands that if there were a trial with regard to Count Eighteen, the government would have to prove the following elements beyond a reasonable doubt: (1) that defendant knowingly engaged in or attempted to engage in a monetary transaction in or effecting interstate or foreign commerce; (2) that the monetary transaction involved criminally derived property of a value greater than \$10,000; (3) that the property was derived from specified unlawful activity; (4) the transaction took place in the United States. The defendant knowingly, voluntarily, and intelligently admits her guilt to each of the above-described elements of Count Eighteen.

5. The defendant is pleading guilty to Counts Two and Eighteen because she is, in fact, guilty.

6. Pursuant to Section 6B1.4 of the November 1, 2018, edition of the United States Sentencing Guidelines Manual (“U.S.S.G.”), the parties enter into the following stipulations:

- a. Provided that the United States does not subsequently learn of conduct by the defendant inconsistent with the acceptance of responsibility, the United States agrees that in consideration of the defendant’s timely guilty plea, it will not oppose a two-level reduction in the Offense-Level pursuant to U.S.S.G. § 3E1.1(a). Further, should it be determined that the defendant’s Offense Level, is Level 16 or greater prior to the application of the aforementioned two-level reduction, the United States agrees that the defendant’s Offense Level should be reduced by one additional level, pursuant to U.S.S.G. § 3E1.1(b), for a total reduction of three levels.

It is understood and agreed that: (1) the parties are free to argue (except as stated above) the applicability of any other provision of the Sentencing Guidelines, including offense conduct, offense characteristics, criminal history, adjustments, and departures; (2) these stipulations are not binding upon either the Probation Office or the Court; and (3) the Court may make factual and legal determinations that differ from these stipulations and that may result in an increase or decrease in the Sentencing Guidelines range and the sentence that may be imposed.

7. The United States retains the right to make whatever recommendations at the time of sentencing that it believes are appropriate and to defend the rulings of the District Court at any subsequent proceeding.

8. The defendant understands that the District Court must consider the United States Sentencing Guidelines, the applicable statutory maximum, and the factors set forth in 18 U.S.C. § 3553(a) in determining an appropriate sentence. The defendant understands that the ultimate determination of an appropriate sentence will be up to the sentencing judge. The Court may impose a sentence that exceeds, falls below, or is contained within the sentencing range prescribed by the Sentencing Guidelines. The defendant expressly acknowledges that if the Court imposes a sentence outside the range set forth in the Sentencing Guidelines, is otherwise different than the defendant expected, or is contrary to the recommendation of her attorney or the United States, the defendant will not be allowed to withdraw her guilty plea on that basis.

9. The defendant agrees to forfeit pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. §2461 any and all interests in any property, real or personal, which constitutes or is derived from proceeds traceable to the to the wire fraud offense, and agrees to forfeit pursuant to 18 U.S.C. § 982(a)(1) and 28 U.S.C. § 2461, any property real or personal involved in the money laundering offense or traceable to such property, including but not limited to ~~\$303,000~~ **\$74,116.82 and 2019 Toyota Rav4 VIN 2T3P1RFV4K**. The defendant agrees to waive any and all interests in any such Property in any administrative or judicial forfeiture

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proceeding, whether criminal or civil, state or federal. The defendant agrees to consent to the entry of orders of forfeiture for such Property and waives the requirements of Federal Rule of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in the defendant's presence at sentencing, and incorporation of the forfeiture in the judgment, as well as any applicable deadlines required by 18 U.S.C. § 983(a). The defendant acknowledges that she understands that forfeiture of the Property, if the government elects to conduct the forfeiture criminally, will be part of the sentence imposed upon the defendant in this case, and the defendant waives any failure by the Court to advise the defendant of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), at the time the guilty plea is accepted. Pursuant to Rule 32.2(b)(3), the defendant will promptly consent to the preliminary order of forfeiture becoming final as to the defendant before sentencing if requested by the government to do so.

10. The defendant agrees to pay the \$200 special assessment the day of sentencing. Should she fail to do so, or should she have other outstanding financial responsibilities as a result of her plea of guilty to Counts Two and Eighteen, the defendant agrees to voluntarily enter the United States Bureau of Prisons' Inmate Financial Responsibility Program, through which the Bureau of Prisons will collect a portion of defendant's prison salary and apply it on defendant's behalf to the payment of the outstanding debt ordered.

11. This Memorandum expressly incorporates Exhibit A, which is attached hereto and filed under seal. The government routinely files such an exhibit, even though it may or may not contain additional terms. To the extent, however, that Exhibit A contains additional terms, the parties acknowledge and agree to be bound by those terms.

12. Pursuant to 18 U.S.C. §§ 3663 and 3663A, the defendant agrees to the entry of a Restitution Order for the full amount of the victims' losses attributable to the defendant's activities, as ordered by the Court. The defendant understands that an unanticipated amount of a restitution order will not serve as grounds to withdraw her guilty plea.

13. In order to facilitate the collection of financial obligations, including restitution, to be imposed in connection with this prosecution:

- a. The defendant agrees to fully disclose all assets in which she has any interest or over which she exercises control, directly or indirectly, including those assets held by a spouse, nominee or other third party. No later than thirty (30) days subsequent to the defendant's change of plea hearing, the defendant will submit a completed sworn financial statement ("Financial Statement") to the United States Probation Office ("USPO"), in the form the USPO provides and as it directs. The defendant will also provide to the USPO any supporting documentation in the defendant's


possession, custody, or control (including banking and brokerage records) for the disclosure set forth in the Financial Statement, as directed by the USPO. The Financial Statement, disclosures, and supporting documentation will be complete and truthful.

- b. Upon receipt of the Financial Statement, the USPO shall disclose the Financial Statement and supporting documentation to counsel for the government and/or provide the government any additional supporting documentation beyond that provided to the USPO in the defendant's possession, custody, or control (including banking and brokerage records) for the disclosure set forth in the Financial Statement, as directed by the government, and/or to supplement the Financial Statement if the government deems it incomplete. The defendant agrees that, at the discretion of the government, the defendant will participate in a deposition in aid of collection of restitution, which may occur any time between entry of the guilty plea and entry of judgment.
- c. Should the defendant fail to provide complete, accurate, timely and truthful financial information as set forth above, the government, in its sole discretion, may deem such conduct inconsistent with the acceptance of responsibility and may do any or all of the following: (i) oppose any reduction in the defendant's

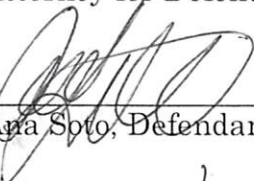
Offense Level, pursuant to Sentencing Guideline Section 3E1.1(a); (ii) seek an enhancement of the defendant's sentence for obstruction of justice under Sentencing Guideline Section 3C1.1; (iii) file a motion for upward variance from the otherwise applicable Sentencing Guideline range; (iv) seek an order compelling production of the financial information; and/or (v) void this Plea Agreement in its entirety.

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14. It is further agreed by the undersigned parties that this Memorandum – together with sealed Attachment A – supersedes all prior promises, representations, and statements of the parties; that this Memorandum may be modified only in writing signed by all the parties; and that any and all promises, representations, and statements made prior to or after this Memorandum are null and void and have no effect whatsoever, unless they comport with the subsequent written modification provisions of this paragraph.



Conor Wilson, Esquire
Attorney for Defendant



Ana Soto, Defendant

Dated: 02/24/22

DAVID C. WEISS
UNITED STATES ATTORNEY

By: 

Lesley F. Wolf
Assistant United States Attorney

AND NOW, this 24th day of February, 2022, the foregoing Memorandum of Plea Agreement is hereby (accepted) (rejected) by this Court.



THE HONORABLE COLM F. CONNOLLY
CHIEF UNITED STATES DISTRICT JUDGE