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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION  
12

13 UNITED STATES OF AMERICA, ) No. CR 03-40096 SBA  
14 Plaintiff, )  
15 v. ) PLEA AGREEMENT  
16 REESHAVA LAL MITRA, )  
17 Defendant. )  
18

19 I, REESHAVA MITRA, and the United States Attorney's Office for the Northern District  
20 of California (hereafter "the government") enter into this written plea agreement (the  
21 "Agreement") pursuant to Rules 11(c)(1)(A) and 11(c)(1)(B) of the Federal Rules of Criminal  
22 Procedure:

23 The Defendant's Promises

24 1. I agree to plead guilty to the captioned information charging me with wire fraud,  
25 in violation of 18 U.S.C. § 1343. I agree that the elements of the offense and the maximum  
26 penalties are as follows: (1) I made up a scheme or plan for obtaining money or property by  
27 making false statements or promises; (2) I knew that the promises or statements were false at the  
28 time they were made; (3) The promises or statements were material; (4) I acted with the intent to

PLEA AGREEMENT  
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1 defraud; and (5) I used, or caused to be used, a wire, radio or television communication to carry  
2 out or attempt to carry out an essential part of the scheme.

- |   |    |                                 |               |
|---|----|---------------------------------|---------------|
| 3 | a. | Maximum prison sentence         | Thirty years  |
| 4 | b. | Maximum fine                    | \$ 1 million  |
| 5 | c. | Maximum supervised release term | Five years    |
| 6 | d. | Mandatory special assessment    | \$ 100        |
| 7 | e. | Restitution                     | As determined |

8 2. I agree that I am guilty of the offense to which I will plead guilty, and I agree that  
9 the following facts are true:

10 Between 1992 and September of 2002, I was a registered representative of Linsco/Private  
11 Ledger Corporation ("LPL"), a nationwide securities broker-dealer and a "financial institution"  
12 as defined in U.S.S.G. § 2B1.1, Application Note 1. During that time, I was the broker of record  
13 for numerous investment advisory accounts maintained on behalf of LPL clients. Beginning in  
14 the spring of 2000, I worked out of an office in Fremont, California.

15  
16 On or about August 8, 2002, I caused a wire transfer of \$50,000 from LPL client account  
17 number 1772-6343 into my personal account at PNC Bank, Wilkes Barre, Pennsylvania (account  
18 number 9000718582). I made this transfer without authorization from the LPL client from  
19 whose account I transferred the funds. To facilitate the unauthorized wire transfer, I forged the  
20 LPL client's signature on a fraudulent letter of authorization ("LOA") that I created. I knew that  
21 the LOA contained false statements, in that I knew that the client had not authorized the transfer  
22 described in the LOA. I then sent this fraudulent LOA via facsimile from my office in Fremont,  
23 California to the LPL Payout Department in San Diego, California to effectuate the transfer of  
24 funds. In participating in this scheme, I intended to defraud LPL and the LPL client.

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28 I knew that the false statements in the LOA were material, in that I knew that the Payout

1 Department would rely on the LOA in executing the transfer of funds. I also knew that the  
2 Payout Department would, in response to the LOA, communicate via interstate wire with LPL's  
3 bank in New York to carry out the transfer of funds.  
4

5 Between 1995 and August of 2002, I executed approximately 123 additional unauthorized  
6 transfers of funds and/or shares of stock involving 21 LPL client accounts. For each of these  
7 unauthorized transfers, I either created a fraudulent LOA as described above or fraudulently  
8 obtained and forged clients' personal checks and deposited them in my personal bank account. I  
9 agree that in order to obtain funds in each instance, I used a means of wire communication that  
10 affected interstate commerce. I further agree that in each instance I intended to defraud LPL and  
11 the LPL client from whose account I made the unauthorized transfer. I agree that each of these  
12 additional unauthorized transactions, which I described in a written statement I signed on  
13 November 12, 2002, constitutes relevant conduct under the Sentencing Guidelines. I agree that  
14 the total loss for which I am responsible is \$ 2,500,000. I stipulate that there is a factual basis for  
15 my plea.  
16  
17

18 3. I agree to give up all rights that I would have if I chose to proceed to trial,  
19 including the rights to a jury trial with the assistance of an attorney; to confront and cross-  
20 examine government witnesses; to remain silent or testify; to move to suppress evidence or raise  
21 any other Fourth or Fifth Amendment claims; to any further discovery from the government; and  
22 to pursue any affirmative defenses and present evidence. I further agree to waive my right to be  
23 charged by indictment. I also waive any claim of improper venue as to the charge to which I am  
24 pleading guilty and the relevant conduct described above, and agree that venue for this  
25 prosecution properly lies in the Northern District of California.  
26  
27  
28

1           4. I agree to give up my right to appeal my conviction, the judgment, and orders of  
2 the Court. I also agree to give up any right I may have to appeal my sentence, except that I  
3 reserve my right to appeal an upward departure from the Guideline imprisonment range  
4 determined by the Court.  
5

6           5. I agree not to file any collateral attack on my conviction or sentence, including a  
7 petition under 28 U.S.C. §2255, at any time in the future after I am sentenced, except for a claim  
8 that my constitutional right to the effective assistance of counsel was violated.  
9

10          6. I agree not to ask the Court to withdraw my guilty plea at any time after it is  
11 entered.  
12

13          7. I agree that the Court should use the 2001 Sentencing Guidelines and that my  
14 sentence should be calculated as follows, and that I will not ask for any other adjustments to or  
15 reductions of the offense level (I retain the ability to argue for a downward departure from the  
16 resulting sentencing range; the government reserves the right to oppose any motion for  
17 downward departure at sentencing.):

- |    |    |   |      |
|----|----|---|------|
| 18 | a. | Base Offense Level, U.S.S.G. § 2B1.1(a):      | 6    |
| 19 |    | (2001 Guidelines)                             |      |
| 20 | b. | Amount of loss:                               | + 16 |
| 21 |    | (U.S.S.G. § 2B1.1(b)(1)(I) – more than        |      |
| 22 |    | \$1 million but not more than \$2.5 million)  |      |
| 23 | c. | Offense involved more than 10, but less       |      |
| 24 |    | than 50, victims (U.S.S.G. § 2B1.1(2)(A)(i)): | + 2  |
| 25 | d. | Offense involved “financial institution”:     | + 2  |
| 26 |    | and more than \$1 million gross               |      |
| 27 |    | receipts (U.S.S.G. § 2B1.1(b)(12)(A))         |      |
| 28 |    |   |      |

1	e.	Abuse of position of trust: (U.S.S.G. § 3B1.3)	+ 2
2			
3	f.	Acceptance of responsibility: (If I meet the requirements of U.S.S.G. § 3E1.1)	- 3
4			
5	g.	Adjusted offense level:	25
6			

7 I agree that, regardless of any other provision in this agreement, the government may and will  
8 provide to the Court and the Probation Office all information relevant to the charged offenses or  
9 the sentencing decision. I also agree that the Court is not bound by the Sentencing Guidelines  
10 calculations above, the Court may conclude that a higher guideline range applies to me, and, if it  
11 does, I will not be entitled, nor will I ask, to withdraw my guilty plea.  
12

13 8. In return for the government's promises set out below, I agree to pay restitution in  
14 an amount to be set by the Court, but in no event less than \$ 2,012,000, and I agree that I will pay  
15 restitution for losses caused by the following crimes and/or acts even though not charged in the  
16 information: my misappropriation from the LPL accounts of the following clients: Krishan and  
17 Rita Aneja; William and Nancy Bellucci; Elizabeth Bennett; Thomas R. Bennett; Janice R. Light  
18 and Janis R. Rosser; Neil A. Chatterjee; Mary Chevitski; Margaret E. Davis; Russell  
19 Edmondson; Frances Jacobs; William and Dolores Korecki; John and Constance Lewis; Monica  
20 Lockhart; Fred Mahle; James F. McAndrew; Ratnakar and Mala Mitra; David and Lynn Pikna;  
21 Shirshir and Geeta Prasad; Rahul and Parvati Roy; Jean, Maria and Greg Stahovec; and S. Ray  
22 Wandel. I agree that I will make a good faith effort to pay any fine, forfeiture or restitution I am  
23 ordered to pay. Before or after sentencing, I will, upon request of the Court, the government, or  
24 the U.S. Probation Office, provide accurate and complete financial information, submit sworn  
25 statements and give depositions under oath concerning my assets and my ability to pay, surrender  
26  
27  
28

1 assets I obtained as a result of my crimes, and release funds and property under my control in  
2 order to pay any fine, forfeiture, or restitution. I agree to pay the special assessment at the time  
3 of sentencing. I agree not to contest the forfeiture, either administrative or civil, of my interest in  
4 the following property: (1) 1999 Mercedes-Benz ML430, seized on December 11, 2002; (2)  
5 \$507.16 seized on December 16, 2002 from LPL account number 5814-9552; (3) \$19,011.57  
6 seized on March 13, 2003 from PNC Bank account numbers (a) 90-00380593; (b) 90-0071-8582;  
7 and (c) 90-0640-6424; and (4) Celeres Pharmaceutical stock certificate seized on March 13,  
8 2003.  
9

10  
11 9. I agree not to commit or attempt to commit any crimes before sentence is imposed  
12 or before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial  
13 release (if any); intentionally provide false information to the Court, the Probation Office,  
14 Pretrial Services, or the government; or fail to comply with any of the other promises I have  
15 made in this Agreement. I agree that, if I fail to comply with any promises I have made in this  
16 Agreement, then the government will be released from all of its promises below, but I will not be  
17 released from my guilty plea.  
18

19  
20 10. I agree that this Agreement contains all of the promises and agreements between  
21 the government and me, and I will not claim otherwise in the future.

22 11. I agree that this Agreement binds the U.S. Attorney's Office for the Northern  
23 District of California only, and does not bind any other federal, state, or local agency.

24 The Government's Promises

25  
26 12. The government agrees not to file or seek any additional charges against the  
27 defendant that could be filed as a result of the investigation that led to the captioned information.  
28

1 13. The government agrees to recommend the Guidelines calculations set out above.

2 The Defendant's Affirmations

3  
4 14. I confirm that I have had adequate time to discuss this case, the evidence, and this  
5 Agreement with my attorney, and that he has provided me with all the legal advice that I  
6 requested.

7 15. I confirm that while I considered signing this Agreement, and at the time I signed  
8 it, I was not under the influence of any alcohol, drug, or medicine.

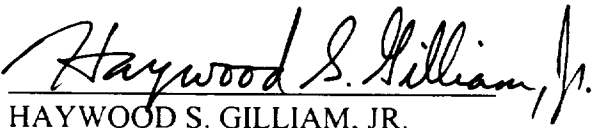
9  
10 16. I confirm that my decision to enter a guilty plea is made knowing the charges that  
11 have been brought against me, any possible defenses, and the benefits and possible detriments of  
12 proceeding to trial. I also confirm that my decision to plead guilty is made voluntarily, and  
13 noone coerced or threatened me to enter into this agreement.

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15  
16 Dated: 5/8/2003

  
REESHAVA MITRA  
Defendant

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19 KEVIN V. RYAN  
United States Attorney

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21  
22 Dated: 5/12/03

  
HAYWOOD S. GILLIAM, JR.  
Assistant United States Attorney

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PLEA AGREEMENT  
CR 03-40096

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I have fully explained to my client all the rights that a criminal defendant has and all the terms of this Agreement. In my opinion, my client understands all the terms of this Agreement and all the rights he is giving up by pleading guilty, and, based on the information now known to me, his decision to plead guilty is knowing and voluntary.

Dated: 8/8/03

Richard Weese  
RICHARD WEESE  
Attorney for Defendant