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RICHARD W. WIEKING  
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NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JORGE ZAMORA-SUAREZ,  
Defendant.

No. CR 01-0415 VRW  
PLEA AGREEMENT

I, Jorge Zamora-Suarez, and the United States Attorney's Office for the Northern District of California (hereafter "the government") enter into this written plea agreement (the "Agreement") pursuant to Rules 11(c)(1)(A) and 11(c)(1)(B) of the Federal Rules of Criminal Procedure:

The Defendant's Promises

1. I agree to plead guilty to Counts One and Two of the captioned indictment. Count One charges me with conspiracy to transport stolen goods in interstate commerce, in violation of Title 18, United States Code, Section 371. Count Two charges me with interference with commerce by threats or violence, in violation of Title 18, United States

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1 Code, Section 1951(a).

2 Count One

3 I agree that the elements of conspiracy to transport stolen goods in interstate  
4 commerce and the maximum penalties are as follows: (1) there was an agreement  
5 between two or more persons to commit the crime of transporting stolen goods in  
6 interstate commerce; (2) I became a member of the conspiracy knowing of at least one of  
7 its objects and intending to help accomplish it; and (3) at least one of the members of the  
8 conspiracy performed at least one overt act for the purpose of carrying out the conspiracy.

- 9 a. Maximum prison sentence 5 years
- 10 b. Maximum fine \$250,000
- 11 c. Maximum supervised release term 3 years
- 12 d. Mandatory special assessment \$100
- 13 e. Restitution N/A
- 14 f. Other possible consequences of guilty plea
- 15 i. Deportation

16 Count Two

17 I agree that the elements of the offense and the maximum penalties for interference  
18 with commerce by threats or violence are as follows: (1) I knowingly and unlawfully  
19 obstructed, delayed, and affected (2) the movement of articles in interstate commerce  
20 (3) by robbery.

- 21 a. Maximum prison sentence 20 years
- 22 b. Maximum fine \$250,000
- 23 c. Maximum supervised release term 3 years
- 24 d. Mandatory special assessment \$100
- 25 e. Restitution N/A
- 26 f. Other possible consequences of guilty plea
- 27 i. Deportation

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

3           In August 2001, I was aware that a robbery crew with which I had an affiliation  
4 was going to conduct robberies of jewelry salespeople in Northern California and Santa  
5 Maria, California. The purpose of the robberies was to steal jewelry from the salespeople  
6 which would then be fenced to a third party for cash. The first robbery was on August 2,  
7 2001, in Santa Maria. During that robbery, I and other members of a robbery crew  
8 approached a jewelry sales person while he was sitting in his car, opened the driver-side  
9 door and demanded that he give us everything that he had. I have since learned that the  
10 name of the individual we robbed was Amitkumar Gandhi. Mr. Gandhi gave us a plastic  
11 bag that he used to carry his merchandise. When we looked through the bag and were  
12 unable to locate any jewelry, we reached into the car and began grabbing at his clothing to  
13 determine if he had anything in his pockets. Several members of the robbery crew used  
14 knives to slash his shirt and pant pockets at which point Mr. Gandhi gave us the jewelry  
15 which he had concealed in a special t-shirt he was wearing. Before leaving, a member of  
16 the crew slashed the tires of his car. I do not dispute that the government would be able  
17 to prove that the value of the jewelry stolen from Mr. Gandhi on August 2, 2001 was at  
18 least \$25,000.

19           The second robbery in which I was a participant took place was on August 29,  
20 2001 in Millbrae, California. On that date at approximately 7:30 p.m., I was driving a van  
21 for the robbery crew as we approached a car that was parked in the parking lot of a  
22 Chinese restaurant in Millbrae, California. I knew that the car was being used by three  
23 traveling jewelry salesmen. I have subsequently learned that those salesmen were  
24 representatives of Henry's Jewelry, located in Hong Kong, China. Only two of the  
25 salesmen were in the car at the time that it was approached by several other members of  
26 the crew (hereinafter "accomplices"). Together with my accomplices, we robbed the  
27 salesmen of the jewelry that was in their possession. That jewelry had a distinctive

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1 marking — the letters “DS” inside the shape of a diamond. During the course of the  
2 robbery, the front passenger-side window of the salesman’s car was broken by one of my  
3 accomplices with the butt of a what appeared to be a chrome firearm. In addition to the  
4 jewelry, my accomplices and I stole the wallets of the two men in the car, a computer bag  
5 with a computer and the gold necklace that one of the salesmen was wearing. I do not  
6 dispute that the government would be able to prove that the value of the jewelry we took  
7 during this Millbrae robbery was approximately \$500,000.

8 On or about September 4, 2001, I met co-defendant Esteban Calderon in his motel  
9 room at the El Dorado Motor Inn located at 140 N. Azusa in West Covina, CA. I was  
10 accompanied by several other individuals, including the leader of our crew and members  
11 of other crews who committed other robberies. In our possession was a bag of jewelry  
12 that I knew had been stolen from the representatives of Henry’s Jewelry in Millbrae,  
13 California on August 29, 2001. We gave the jewelry to Calderon for the purpose of  
14 “fencing,” or disposing, of that stolen property. We did so because we knew that the  
15 jewelry was stolen and that it would be difficult to sell the jewelry by other means. At the  
16 time we gave Calderon the stolen jewelry that had been in our possession, we knew that  
17 Calderon intended to take the jewelry with him back to New York. I do not dispute that  
18 the government would be able to prove that the value of the jewelry given to Calderon by  
19 individuals in the hotel room to fence was in excess of \$800,000.

20 I was arrested on or about September 7, 2001. At the time that I was arrested,  
21 officers found a bag of jewelry hidden in the spare tire well area in the trunk. The jewelry  
22 found in that bag had been taken during the Santa Maria robbery on or about August 2,  
23 2001.

24 3. I agree to give up all rights that I would have if I chose to proceed to trial,  
25 including the rights to a jury trial with the assistance of an attorney; to confront and cross-  
26 examine government witnesses; to remain silent or testify; to move to suppress evidence  
27 or raise any other Fourth or Fifth Amendment claims; to any further discovery from the

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1 government; and to pursue any affirmative defenses and present evidence.

2 4. I agree to give up my right to appeal my conviction, the judgment, and  
3 orders of the Court. I also agree to waive any right I may have to appeal my sentence.

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

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

10 7. I agree that the Sentencing Guidelines should be calculated as follows:

- 11 a. Base Offense Level, U.S.S.G. § 2B3.1(a) (2002ed.): 20
- 12 b. Dangerous weapon otherwise used +4
- 13 U.S.S.G. § 2B31(b)(2)(D):
- 14 c. Loss more than \$800,000, +4
- 15 U.S.S.G. § 2B31(b)(7)(E):
- 16 d. Acceptance of responsibility:  
17 (If I meet the requirements of  
18 U.S.S.G. § 3E1.1): -3
- 19 e. Adjusted offense level: 25

19 I agree that I will not ask for any other adjustment to or reduction in the offense level or  
20 for a downward departure of any kind except that I agree that the government reserves the  
21 right to argue for a total 2 level enhancement under U.S.S.G. § 2B3.1(b)(3)(A) for bodily  
22 injury that resulted from any of the robberies set forth in Count One of the Indictment and  
23 that I reserve the right to oppose the enhancement.

24 8. I agree to forfeit the jewelry and other items that were seized from my car.  
25 I consent to the forfeiture of those items without further notice to me and I further agree  
26 to waive all interest in those items. I agree that I will make a good faith effort to pay any  
27 fine, forfeiture or restitution I am ordered to pay. Before or after sentencing, I will, upon

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1 request of the Court, the government, or the U.S. Probation Office, provide accurate and  
2 complete financial information, submit sworn statements and give depositions under oath  
3 concerning my assets and my ability to pay, surrender assets I obtained as a result of my  
4 crimes, and release funds and property under my control in order to pay any fine,  
5 forfeiture, or restitution. I agree to pay the special assessment at the time of sentencing.

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

13 10. If I am prosecuted after failing to comply with any promises I made in this  
14 Agreement, then (a) I agree that any statements I made to any law enforcement or other  
15 government agency or in Court, whether or not made pursuant to the cooperation  
16 provisions of this Agreement, may be used in any way; (b) I waive any and all claims  
17 under the United States Constitution, Rule 11(f) of the Federal Rules of Criminal  
18 Procedure, Rule 410 of the Federal Rules of Evidence, or any other federal statute or rule,  
19 to suppress or restrict the use of my statements, or any leads derived from those  
20 statements; and (c) I waive any defense to any prosecution that it is barred by a statute of  
21 limitations, if the limitations period has run between the date of this Agreement and the  
22 date I am indicted.

23 11. I agree that this Agreement contains all of the promises and agreements  
24 between the government and me, and I will not claim otherwise in the future.

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

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1 The Government's Promises

2 13. The government agrees to move to dismiss any open charges pending  
3 against the defendant in the captioned indictment at the time of sentencing.

4 14. The government agrees not to file or seek any additional charges against the  
5 defendant that could be filed as a result of the investigation that led to the captioned  
6 indictment.

7 15. The government agrees that the appropriate sentence in this case should be  
8 as set forth in paragraph 7 above, unless the defendant violates the Agreement as set forth  
9 in paragraph 9 above.

10 The Defendant's Affirmations

11 16. I confirm that I have had adequate time to discuss this case, the evidence,  
12 and this Agreement with my attorney, and that he has provided me with all the legal  
13 advice that I requested.

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

16 18. I confirm that my decision to enter a guilty plea is made knowing the  
17 charges that have been brought against me, any possible defenses, and the benefits and  
18 possible detriments of proceeding to trial. I also confirm that my decision to plead guilty  
19 is made voluntarily, and no one coerced or threatened me to enter into this Agreement.

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1 19. I confirm that I read this entire plea agreement with the assistance of an  
2 interpreter and in the presence of my attorney.

3 Dated: 11-04-03


  
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JORGE ZAMORA-SUAREZ  
Defendant

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7 Dated: Nov. 4, 2003

KEVIN V. RYAN  
United States Attorney  
  
\_\_\_\_\_  
ANNE-CHRISTINE MASSULLO  
KYLE F. WALDINGER  
Assistant United States Attorneys

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

14  
15 Dated: 11-4-03

  
\_\_\_\_\_  
DARREN CORNFORTH  
Attorney for Defendant

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17 INTERPRETER CERTIFICATION

18 I, Melinda Basker, hereby certify that I am a certified Spanish  
19 interpreter and that I accurately translated this plea agreement to the defendant, s/he told  
20 me that s/he understood it, and I believe his/her answer was true and correct.

21 Dated: 11/4/03

  
\_\_\_\_\_  
Interpreter's signature