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7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11 Plaintiff,

12 v.

13 SHAWN MICHAEL CAMERON,
aka, "BUBBLES,"
14 aka, "Tanner,"
15 Defendant.

CASE NO. 1:11-CR-00354 LJO

MEMORANDUM OF PLEA AGREEMENT
PURSUANT TO RULE 11(C)(1)(C) OF THE
FEDERAL RULES OF CRIMINAL PROCEDURE

DATE: TO BE DETERMINED.
TIME: TO BE DETERMINED.
COURT: 4, HON. LAWRENCE J. O'NEILL

16
17 Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the United States of
18 America, by and through Benjamin B. Wagner, the United States Attorney for the Eastern District of
19 California, and Assistant United States Attorneys Kimberly A. Sanchez, Kathleen A. Servatius, and Melanie
20 L. Asworth, and Defendant, Shawn Michael Cameron, and his attorneys, Ann McGlenon and Eric Kersten,
21 have agreed as follows:

22 1. Charges.

23 The defendant acknowledges that he has been charged in an indictment as follows:

24 COUNT 1: 21 U.S.C. §§ 846, 841(a)(1) - Conspiracy to Distribute and Possess With Intent to
25 Distribute Methamphetamine and Cocaine;

26 COUNTS 2-16, 18, 21, 24, 26, 28, 30, 34: 21 U.S.C. § 841(a)(1) – Distribution of Methamphetamine

27 COUNTS 17, 19-20, 22-23, 25, 27, 29, 31-33, 35, 37: 21 U.S.C. § 841(a)(1) – Possession With
28 Intent to Distribute Methamphetamine

1 2. Nature, Elements and Possible Defenses.

2 The defendant has read the charges against him contained in the indictment and those charges have
3 been fully explained to him by his attorney. Further, the defendant fully understands the nature and elements
4 of the crime in Count One of indictment to which he is pleading guilty, together with the possible defenses
5 thereto, and has discussed them with his attorney.

6 COUNT 1:

7 The elements of the crime of Conspiracy to Distribute methamphetamine (500 grams and more) and
8 cocaine are:

9 First, there was an agreement between two or more persons, to distribute methamphetamine and/or
10 cocaine;

11 Second, the defendant became a member of the conspiracy knowing of at least one its objects and
12 intending to help accomplish it; and

13 Third, the amount of methamphetamine involved was 500 grams or more of a mixture containing a
14 detectable amount of methamphetamine.

15 3. Agreements by the Defendant.

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

18 (b) Defendant agrees to enter a plea of guilty to Count 1 of the indictment which charges him
19 with conspiracy to distribute methamphetamine and cocaine, in violation of Title 21, United States Code,
20 Sections 846 and 841(a)(1).

21 (c) Defendant recognizes that pleading guilty may have consequences with respect to his
22 immigration status if he is not a citizen of the United States. Under federal law, a broad range of crimes are
23 removable offenses, including the offense to which defendant is pleading guilty. Removal and other
24 immigration consequences are the subject of a separate proceeding, however, and defendant understands that
25 no one, including his attorney or the district court, can predict to a certainty the effect of his conviction on his
26 immigration status. Defendant nevertheless affirms that he wants to plead guilty regardless of any
27 immigration consequences that his plea may entail, even if the consequence is his automatic removal from
28 the United States.

1 (d) Defendant understands that pursuant to F.R.Crim.P. 11(c)(1)(C), the Court can accept the
2 plea agreement, reject the plea agreement, or defer its decision until the Court receives a presentence report.
3 Should the Court reject the plea agreement, the defendant has the right to withdraw his guilty plea. This is a
4 package plea agreement with co-defendant Vanessa Cameron, so if the Court rejects her agreement or fails to
5 sentence her on its non-custodial probation terms, the defendant Cameron has the right to withdraw his plea.

6 (e) Defendant knowingly and voluntarily waives his Constitutional and statutory rights to appeal
7 his plea, sentence and conviction except as set forth within this paragraph. The defendant is aware that Title
8 18, United States Code, Section 3742 affords a defendant the right to appeal any sentence imposed.
9 Acknowledging this, the defendant knowingly and voluntarily agrees to waive all Constitutional and
10 statutory rights to appeal his conviction and sentence, including, but not limited to an express waiver of
11 appeal of this plea (including any venue and statute of limitations issues) and to attack collaterally his mental
12 competence, and his plea, or his sentence, including but not limited to, filing a motion under 28 U.S.C.
13 §2255, 28 U.S.C. 2241, or 18 U.S.C. §3742, or otherwise.

14 If the defendant's conviction on the counts to which he is pleading guilty is ever vacated at the
15 defendant's request, or his sentence is ever reduced at his request, the government shall have the following
16 rights : (1) to prosecute the defendant on any count to which he pleaded guilty; (2) to reinstate any counts
17 that may be dismissed under this agreement; and (3) to file any new charges that would otherwise be barred
18 by this agreement. The decision to pursue any or all of these options is solely in the discretion of the United
19 States Attorney's Office. By signing this agreement, the defendant agrees to waive any objections, motions,
20 and defenses he might have to the government's decision, including Double Jeopardy. In particular, he
21 agrees not to raise any objections based on the passage of time with respect to such counts including, but not
22 limited to, any statutes of limitation or any objections based on the Speedy Trial Act or the Speedy Trial
23 Clause of the Sixth Amendment.

24 This waiver includes a waiver of any claim that the defendant's sentence should be reduced based
25 upon any change in the sentencing guidelines with respect to the amount of cocaine base ("crack" or "rock")
26 involved in the offense, regardless of whether such change includes a provision making it retroactive or
27 whether any court ever holds that the application is retroactive.

28 (f) Defendant further acknowledges that his plea of guilty is voluntary and that no force, threats,

1 promises or representations have been made to anybody, nor agreement reached, other than those set forth
2 expressly in this agreement, to induce the defendant to plead guilty.

3 (g) Defendant agrees to a sentence of 32 years (384 months) imprisonment.

4 (h) Forfeiture: Defendant agrees to forfeit to the United States voluntarily and immediately all of his
5 right, title, and interest to any and all assets subject to forfeiture pursuant to 21 U.S.C. § 853(a). Those assets
6 include, but are not limited to, the following: \$1,140 in U.S. Currency and a 2005 GMC Sierra C1550,
7 California License Plate Number 7S49399, VIN 2GTEC13TX51137807.

8 Defendant agrees that the above-listed asset was involved in the commission of a violation of 21
9 U.S.C. § 841(a)(1).

10 Defendant agrees to fully assist the government in the forfeiture of the listed assets and to take
11 whatever steps are necessary to pass clear title to the United States. Defendant shall not sell, transfer,
12 convey, or otherwise dispose of any of his assets, including but not limited to, the above-listed asset.

13 Defendant agrees not to file a claim to any of the listed property in any civil proceeding,
14 administrative or judicial, which may be initiated. Defendant agrees to waive his right to notice of any
15 forfeiture proceeding involving this property, and agrees to not file a claim or assist others in filing a claim in
16 that forfeiture proceeding.

17 The defendant waives oral pronouncement of forfeiture at the time of sentencing and any defects in
18 such pronouncement that pertain to forfeiture, and waives any defenses to forfeiture, including any defense
19 predicated on the Ex Post Facto, Double Jeopardy, and Excessive Fines Clauses of the United States
20 Constitution. The defendant knowingly and voluntarily waives any right to a jury trial in any criminal or
21 civil forfeiture proceeding.

22 (i) Defendant agrees to waive all rights under the "Hyde Amendment," Section 617, P.L. 105-
23 119 (Nov. 26, 1997), to recover attorneys' fees or other litigation expenses in connection with the
24 investigation and prosecution of all charges in the above-captioned matter and of any related allegations
25 (including without limitation any charges to be dismissed pursuant to this Agreement and any charges
26 previously dismissed).

27 (j) The defendant understands that the Court must consult the Federal Sentencing Guidelines (as
28 promulgated by the Sentencing Commission pursuant to the Sentencing Reform Act of 1984, 18 U.S.C. §§

1 3551-3742 and 28 U.S.C. §§ 991-998, and as modified by United States v. Booker and United States v.
2 Fanfan, 543 U.S. 220 (2005), and must take them into account when determining a final sentence. Defendant
3 understands that the Court will determine a non-binding and advisory guideline sentencing range for this
4 case pursuant to the Sentencing Guidelines. Defendant further understands that the Court will consider
5 whether there is a basis for departure from the guideline sentencing range (either above or below the
6 guideline sentencing range) because there exists an aggravating or mitigating circumstance of a kind, or to a
7 degree, not adequately taken into consideration by the Sentencing Commission in formulating the
8 Guidelines. Defendant further understands that the Court, after consultation and consideration of the
9 Sentencing Guidelines, must impose a sentence that is reasonable in light of the factors set forth in 18 U.S.C.
10 § 3553(a).

11 4. Agreements by the Government.

12 (a) If the United States Probation Office determines that a three-level reduction in defendant's
13 offense level for full and clear demonstration of acceptance of responsibility is appropriate under U.S.S.G. §
14 3E1.1, the government will not oppose such a reduction and will so move under §3E1.1(b), so long as the
15 defendant pleads guilty, meets with and assists the probation officer in the preparation of the pre-sentence
16 report, is truthful and candid with the probation officer, and does not otherwise engage in conduct that
17 constitutes obstruction of justice within the meaning of U.S.S.G § 3C1.1, either in the preparation of the pre-
18 sentence report or during the sentencing proceeding.

19 Recommendations

20 (b) The government agrees to a sentence of 32 years (384 months) imprisonment.

21 (c) The government agrees that the amount of a mixture of methamphetamine involved is no less
22 than 15.9 kilograms.

23 (d) The government agrees to enter into an 11(c)(1)(C) agreement with codefendant Vanessa
24 Cameron to plead guilty to Unlawful Use of a Communication Facility, 21 U.S.C. § 843(b) with an
25 agreement to recommend that the Court impose a sentence of probation with no additional custody time. The
26 government agrees to dismiss the indictment as to Vanessa Cameron at the time of her sentencing. This
27 provision is conditioned upon the defendant's compliance with the provisions set forth in this plea
28 agreement.

1 (e) The defendant acknowledges and understands that the government makes no other
2 representations to him regarding fines, whether any other specific offense characteristics apply to his conduct
3 his criminal history or criminal history points under Chapter Four or whether additional enhancements or
4 reductions under Chapter Three or Five of the United States Sentencing Guidelines apply and defendant
5 understands that the government is free to comment and to make recommendations to the court and the
6 probation office regarding those matters.

7 (f) The government agrees to dismiss the remaining counts of the indictment as to this defendant at
8 the time of sentencing.

9 5. Factual Basis.

10 Defendant will plead guilty because he is in fact guilty of the crimes set forth in Count 1 of the
11 indictment. Defendant also agrees that the following are the facts of this case, although he acknowledges
12 that, as to other facts, the parties may disagree:

13 During December 2009 through June 2010, the defendant was the regiment commander for the Kings
14 County regiment of Nuestra Familia (hereinafter "NF"). The defendant oversaw the Kings County NF
15 operations. One aspect of NF business was the importation and distribution of methamphetamine and
16 cocaine, and the defendant oversaw that operation. The defendant worked with coconspirator who was an
17 NF associate to bring in methamphetamine from Mexico. The defendant would then work with the
18 coconspirator to distribute half pound to multi-pound quantities of methamphetamine to other regiments in
19 and outside of California.

20 Between January and May, 2010, the defendant conspired with others to sell over 700 grams of
21 methamphetamine to a confidential informant in 22 controlled buys with the assistance of other
22 coconspirators.

23 Throughout the course of the case, the defendant with the assistance of coconspirators obtained
24 over 45 pounds of methamphetamine that was distributed or intended to be distributed to various NF
25 regiments throughout California, Utah and other states.

26 On April 1, 2010, the defendant, in conjunction with other coconspirators, directed the receipt of
27 6 fire extinguishers containing 2.5 pounds of methamphetamine each. On April 5, 2010, a coconspirator
28 arranged to send 3 pounds of methamphetamine to the Sacramento NF regiment. Other coconspirators

1 made the delivery and pick-up in Madera, California.

2 On April 7, 2010, a coconspirator arranged to send a pound of methamphetamine to another
3 coconspirator who was a regiment commander living in Los Banos. Other coconspirators delivered and
4 picked up the methamphetamine which was seized by law enforcement and contained 442.6 grams of
5 99.1 percent pure methamphetamine.

6 On April 9, 2010, a coconspirator arranged to provide the Modesto regiment a half-pound of
7 methamphetamine. The methamphetamine was picked up by unindicted coconspirators and then seized
8 in an interdiction stop in Merced County. Lab tests showed it weighed 221.8 grams and was 100 percent
9 pure methamphetamine.

10 On April 13, 2010, a coconspirator took \$87,200 as payment and picked up approximately 7
11 pounds of methamphetamine in Madera from a runner for the source of supply.

12 On April 16, 2010, a coconspirator delivered approximately 1 pound of methamphetamine to
13 another coconspirator from Sacramento. A payment of approximately \$20,000 was delivered to
14 Hanford by another coconspirator.

15 On April 23, 2010, coconspirator arranged for and delivered 1 pound of methamphetamine to a
16 coconspirator from Sacramento. The methamphetamine was seized in a traffic stop. It weighed
17 approximately a pound and was over 99 percent pure.

18 On May 2, 2010, coconspirators arranged to purchase and pick up 1 kg of cocaine from another
19 coconspirator.

20 On May 3, 2010 a coconspirator deliver 1 pound of methamphetamine to another coconspirator.

21 On May 4, 2010, coconspirators arranged and delivered 2 pounds of methamphetamine to
22 Madera. The methamphetamine was destined for Sacramento (1 pound); Modesto (½ pound); pound for
23 Madera (1/2 pound). On May 7, 2010, a coconspirator arranged to get ten pounds of methamphetamine
24 from the source of supply, and to provide a payment of \$95,000. Other coconspirators picked the
25 methamphetamine up and made the payment. The methamphetamine was packaged in fire
26 extinguishers, and was seized by law enforcement. It weighed 4,438 grams and was over 97 percent
27 pure. The \$95,000 was also seized from a runner for the source of supply.

28 On May 17, 2010, a coconspirator picked up one pound of methamphetamine from a

1 representative for the source of supply. He then delivered it to another coconspirator.

2 On June 3, 2010, law enforcement officers seized approximately 20 pounds of methamphetamine
3 from a car under the control/occupied by coconspirators. The defendant had orchestrated the purchase of the
4 methamphetamine from a Mexican source of supply with another coconspirator. The methamphetamine
5 weighed 8986.6 grams and was 93.9 percent pure.

6 6. Potential Sentence.

7 The following is the maximum potential sentence which defendant faces:

8 (a) Imprisonment.

9 Mandatory Minimum: Ten years.

10 Maximum: Life.

11 (b) Fine.

12 Maximum: \$10,000,000

13 (c) Both such fine and imprisonment.

14 (d) Term of Supervised Release: Minimum: Five years.

15 Maximum: Life.

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

19 (f) Penalty Assessment.

20 Mandatory: One Hundred dollars (\$100.00).

21 (g) Pursuant to 21 U.S.C. § 862, the defendant may become temporarily or permanently
22 ineligible for any and all federal benefits' and, pursuant to 21 U.S.C. § 862a, shall be ineligible for the
23 following government benefits:¹

24 (1) assistance under any State program funded under part A of title IV of the Social Security
25

26
27 ¹ The term "federal benefits" does not include any retirement, welfare, Social Security, health,
28 disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments
or services are required for eligibility, but refers to the issuance of any grant, contract, loan, professional
license, or commercial license provided by an agency or appropriated funds of the United States. 21 U.S.C. §
862(d)(1).

1 Act (42 U.S.C. § 601 et seq.);

2 (2) benefits under the food stamp program (as defined in section 3h of the Food Stamp Act)
3 (7 U.S.C. § 2012(h)) or any State program carried out under the Food Stamp Act of 1977 (7 U.S.C. §
4 2011 et seq.).

5 7. Waiver of Rights.

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

8 (a) If defendant persisted in a plea of not guilty to the charges against him, he would have the
9 right to be represented by an attorney at all stages of the proceedings, and would have a right to a public
10 and speedy trial. The trial could be either a jury trial or a trial by a judge sitting without a jury.

11 Defendant has a right to a jury trial. However, in order that the trial be conducted by the judge sitting
12 without a jury, defendant, the government and the judge all must agree that the trial be conducted by the
13 judge without a jury.

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

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

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

1 right to assistance of legal counsel. If he could not afford legal counsel, one would be appointed for him by
2 the court at no expense to him.

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

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

7 8. Questions by Court.

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

11 9. Entire Agreement.

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

15 10. Court not a Party.

16 It is understood by the parties that the sentencing court is neither a party to nor bound by this
17 agreement and the sentencing judge is free to impose the maximum penalties as set forth in paragraph 6
18 subject to the limitations set forth in F.R.Crim.P. 11(c)(1)(C) as set forth above. Further, in making its
19 sentencing decision, the Court may take into consideration any and all facts and circumstances concerning
20 the criminal activities of defendant, including activities which may not have been charged in the indictment.

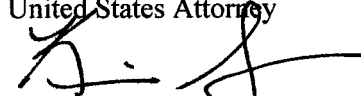
21 11. Presentence Report.

22 Defendant understands that the United States Probation Office is not a party to this agreement and
23 will conduct an independent investigation of defendant's activities and his background. It will then prepare a
24 presentence report which it will submit to the Court as its independent sentencing recommendation. In
25 addition, the government will fully apprise the Probation Office, as well as the Court, of the full and true
26 nature, scope and extent of the defendant's criminal activities, including information on his background and
27 criminal history.

28 BENJAMIN B. WAGNER

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DATED: 1-29-14

United States Attorney
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DATED: 1-17-2014

SHAWN CAMERON
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DATED: 1-17-2014



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