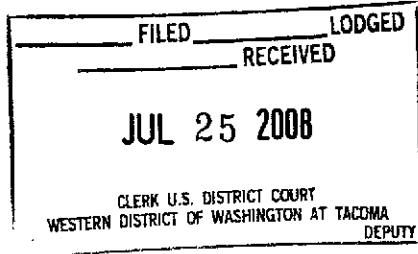


Hon. Ronald B. Leighton



07-CR-05775-PLAGR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTORIA J. TADE,

Defendant.

NO. CR07-5775RBL

PLEA AGREEMENT

The United States of America, by and through Jeffrey C. Sullivan, United States Attorney for the Western District of Washington, along with Katheryn Kim Frierson and Tessa Gorman, Assistant United States Attorneys for said District, and the defendant, Victoria J. Tade, and her attorney, Allen R. Bentley, enter into the following Agreement, pursuant to Federal Rule of Criminal Procedure 11(c):

1. The Charges. Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enter pleas of guilty to Conspiracy to Commit Wire Fraud, as charged in Count One of the Superseding Indictment, in violation of Title 18, United States Code, Section 371, and Wire Fraud, as charged in Count 3 of the Superseding Indictment, in violation of Title 18, United States Code, Section 1343. By entering these pleas of guilty, Defendant hereby waives all objections to the form of the charging document.

1 Defendant further understands that before entering her pleas of guilty,  
2 Defendant will be placed under oath. Any statement given by Defendant under oath may  
3 be used by the government in a prosecution for perjury or false statement.

4 2. Elements of the Offense. The elements of the offense of Conspiracy to  
5 Commit Wire Fraud, as charged in Count One, in violation of Title 18, United States  
6 Code, Section 371, are as follows:

7 First, that defendant did knowingly agree with one or more persons;

8 Second, to commit offenses against the United States, specifically, Wire  
9 Fraud, in violation of Title 18, United States Code, Section 1343; and

10 Third, that someone in the conspiracy committed an overt act in furtherance  
11 of the objectives of the conspiracy.

12 The elements of the offense of Wire Fraud, as charged in Count Three, in  
13 violation of Title 18, United States Code, Section 1343, are as follows:

14 First, the defendant made up a scheme or artifice to defraud and to obtain  
15 property by means of false statements or promises;

16 Second, the defendant knew that the statements or promises were false;

17 Third, the statements or promises were material, that is they would  
18 reasonably influence another to part with property;

19 Fourth, the defendant acted with the intent to defraud; and

20 Fifth, the defendant used, or caused to be used, wire communications in  
21 interstate or foreign commerce.

22 3. The Penalties. Defendant understands that the statutory penalties for the  
23 offense of Conspiracy to Commit Wire Fraud, in violation of Title 18, United States  
24 Code, Section 371, are imprisonment for up to five (5) years, a fine of up to two hundred  
25 and fifty thousand dollars (\$250,000.00), a period of supervision following release from  
26 prison of up to three (3) years, and a one hundred dollar (\$100.00) penalty assessment.

27 Defendant understands that the statutory penalty for the offense of Wire  
28 Fraud, in violation of Title 18, United States Code, Section 1343, are imprisonment for up

1 to twenty (20) years, a fine of up to two hundred and fifty thousand dollars (\$250,000.00),  
2 a period of supervision following release from prison of up to five (5) years, and a one  
3 hundred dollar (\$100.00) penalty assessment.

4 Defendant agrees that any monetary penalty the Court imposes, including  
5 the special assessment, fine, costs or restitution, is due and payable immediately, and  
6 further agrees to submit a completed Financial Statement of Debtor form as requested by  
7 the United States Attorney's Office.

8 Defendant understands that supervised release is a period of time following  
9 imprisonment during which she will be subject to certain restrictions and requirements.  
10 Defendant further understands that if supervised release is imposed and she violates one  
11 or more of its conditions, she could be returned to prison for all or part of the term of  
12 supervised release that was originally imposed. This could result in Defendant serving a  
13 total term of imprisonment greater than the statutory maximum stated above.

14 4. Rights Waived by Pleading Guilty. Defendant understands that, by  
15 pleading guilty, she knowingly and voluntarily waives the following rights:

- 16 a. The right to plead not guilty, and to persist in a plea of not guilty;  
17 b. The right to a speedy and public trial before a jury of Defendant's  
18 peers;  
19 c. The right to the effective assistance of counsel at trial, including, if  
20 Defendant could not afford an attorney, the right to have the Court appoint one for  
21 Defendant;  
22 d. The right to be presumed innocent until guilt has been established at  
23 trial, beyond a reasonable doubt;  
24 e. The right to confront and cross-examine witnesses against Defendant  
25 at trial;  
26 f. The right to compel or subpoena witnesses to appear on Defendant's  
27 behalf at trial;

1           g.     The right to testify or to remain silent at trial, at which trial such  
2 silence could not be used against Defendant;

3           h.     The right to appeal a finding of guilt or any pretrial rulings;

4           i.     The right, to the extent required by law, to have sentencing factors  
5 charged in the Indictment or determined by a jury beyond a reasonable doubt.

6           5.     United States Sentencing Guidelines. Defendant understands and  
7 acknowledges that, at sentencing, the Court must consider the sentencing range calculated  
8 under the United States Sentencing Guidelines, together with the other factors set forth in  
9 Title 18, United States Code, Section 3553(a), including: (1) the nature and circumstances  
10 of the offense(s); (2) the history and characteristics of the defendant; (3) the need for the  
11 sentence to reflect the seriousness of the offense, to promote respect for the law, and to  
12 provide just punishment for the offense; (4) the need for the sentence to afford adequate  
13 deterrence to criminal conduct; (5) the need for the sentence to protect the public from  
14 further crimes of the defendant; (6) the need to provide the defendant with educational  
15 and vocational training, medical care, or other correctional treatment in the most effective  
16 manner; (7) the kinds of sentences available; (8) the need to provide restitution to victims;  
17 and (9) the need to avoid unwarranted sentence disparity among defendants involved in  
18 similar conduct who have similar records. Accordingly, Defendant understands and  
19 acknowledges that:

20           a.     The Court will determine Defendant's applicable Sentencing  
21 Guidelines range at the time of sentencing;

22           b.     After consideration of the Sentencing Guidelines and the other  
23 factors in 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to  
24 the maximum term authorized by law;

25           c.     The Court is not bound by any recommendation regarding the  
26 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines  
27 range offered by the parties, or by the United States Probation Department; and  
28

1 d. Defendant may not withdraw a guilty plea solely because of the  
2 sentence imposed by the Court.

3 6. Ultimate Sentence. Defendant acknowledges that no one has promised or  
4 guaranteed what sentence the Court will impose.

5 7. Statement of Facts. The parties agree on the following facts in support of  
6 Defendant's guilty pleas and sentencing. Defendant admits she is guilty of the charged  
7 offenses and expressly waives any right to have these facts determined by a jury beyond a  
8 reasonable doubt.

9 a. Defendant Victoria J. Tade was a licensed private investigator based  
10 in San Diego, California. Ms. Tade operated a private investigation business called CI,  
11 Inc.

12 b. Beginning sometime in 2005 and continuing through May 2007, Ms.  
13 Tade utilized the services of BNT Investigations, located in Belfair, Washington,  
14 operated by Emilio and Brandy Torrella. Ms. Tade knew that BNT Investigations  
15 specialized in a practice known as "pretexting" to obtain information about individuals.  
16 Specifically, Ms. Tade knew that BNT personnel telephoned government agencies, banks,  
17 pharmacies and hospitals, posing as the individual about whom information was sought,  
18 and deceived the institutions into disclosing confidential employment, wage, financial and  
19 medical information about the individual. Ms. Tade knowingly and intentionally hired  
20 BNT Investigations to pretext such agencies and institutions in order to obtain  
21 information about individuals she was investigating on behalf of other clients.

22 c. For example, Ms. Tade was at times retained by clients to uncover  
23 detailed income tax information regarding specific individuals, such as amounts of  
24 reported income and the identities of parties issuing Form 1099s and Form W-2s. Ms.  
25 Tade, in turn, hired BNT Investigations to pretext the Internal Revenue Service to obtain  
26 that information. In pretexting, a BNT personnel telephoned the IRS customer service,  
27 posing as the individual about whom the information was sought, and deceived the IRS  
28 representative into disclosing the person's income and other tax information. BNT

1 personnel would then report the information they received from the IRS to Ms. Tade in  
2 return for a fee. Ms Tade provided the information to her client for an additional fee.

3 d. Ms. Tade also requested at times for BNT to uncover historical  
4 wage, employment, and disability benefits information belonging to other individuals. To  
5 fulfill the request, BNT personnel telephoned the Social Security Administration, posing  
6 as the individual about whom information was sought, and deceived the SSA  
7 representative into disclosing how much the individual had in reported wages and  
8 whether he or she received any disability benefits.

9 e. Ms. Tade also requested at times for BNT to uncover individuals'  
10 bank account and balance information. To fulfill the request, BNT personnel telephoned  
11 banks, posing as the individual about whom the information was sought, and deceived the  
12 banks into disclosing account information.

13 f. Ms. Tade also requested at times that BNT uncover medical  
14 information about individuals. To fulfill the request, Mrs. Torrella telephoned  
15 pharmacies, posing as someone from the individual's doctor's office, and deceived the  
16 pharmacy into disclosing medications prescribed for the individual. At times, Mrs.  
17 Torrella also telephoned hospitals and deceived them into releasing records of hospital  
18 visits by individuals being researched.

19 g. In order for BNT personnel to successfully deceive the government  
20 agencies, banks, pharmacies and hospitals into disclosing the desired information, they  
21 required detailed identification information in order to correctly answer security questions  
22 posed by the various institutions and businesses. Ms. Tade understood this requirement  
23 and provided BNT with each subject's full name, date of birth, Social Security Number,  
24 associated addresses, and names and identifiers for spouse with the knowledge that this  
25 information will be used by BNT personnel in their pretexting activities.

26 h. In furtherance of the conspiracy to commit wire fraud, as charged in  
27 Count 1, Ms. Tade caused BNT to fraudulently obtain the following information  
28 belonging to the listed individuals by means of pretexting:

<b>Individuals</b>	<b>Information Obtained By BNT Through Pretext</b>
W.B.	Federal Income Tax information for 2004 and 2005
T.E.	2006 State of Nevada unemployment information.
J.S.	Summary of 2000 through 2005 wage history, and Federal Income Tax Records from 2000 through 2004.
R.P.	2000 through 2006 detailed employment and earnings data from Social Security Administration.
E.L.	Identity of attending doctor, identity of pharmacy where prescriptions filled, and names of prescriptions taken. In addition, obtained employment history.
A.G.	Identified bank accounts and current account balances, and obtained 2005 Federal Income Tax documents.
R.K.	Identified bank accounts, current balances, specific investment accounts with approximate values, and obtained 2005 Federal Income Tax records.

i. As charged in Count 3, on or about January 24, 2007, Ms. Tade, in furtherance of the scheme and artifice to commit wire fraud, caused BNT personnel to make the following interstate telephone call and obtain by means of false and fraudulent statements confidential information belonging to the listed individual:

<b>Interstate Telephone Call</b>	<b>Individual</b>	<b>False Statement</b>
BNT Inves. Belfair, WA  to  IRS Chamblee, GA	P.B.	Posing as taxpayer, BNT employee falsely claimed that the taxpayer's accountant was charged with embezzlement and tax records were needed to determine if such crime took place and determine whether the tax payer should enter class action lawsuit.

j. None of the individuals who were "pretexted" gave BNT or Ms. Tade permission to use their identification information in this manner, or for BNT and Ms. Tade to access their tax, employment, financial, and medical information.

8. Sentencing Factors. The parties agree and stipulate that the applicable offense guidelines in this case from Chapter Two of the United States Sentencing

1 Guidelines are Section 2H3.1(a) and Section 2H3.1(b), and will recommend that the  
2 Court apply those guidelines for purposes of sentencing. The parties also agree that they  
3 are unaware of evidence sufficient to support a role-in-the-offense adjustment, either  
4 upward or downward, under Part B. of Chapter Three of the Guidelines, and they  
5 stipulate that neither party will seek such an adjustment. Defendant understands,  
6 however, that the Court is free to reject these recommendations, and is further free to  
7 apply additional downward or upward adjustments in determining Defendant's  
8 Sentencing Guidelines range.

9       9.     Non-Prosecution of Additional Offenses. As part of this Plea Agreement,  
10 the United States Attorney's Office for the Western District of Washington agrees to  
11 dismiss at the time of sentencing the remaining charges in the Indictment, and not to  
12 prosecute Defendant for any additional offenses known to it as of the time of this  
13 Agreement that are based upon evidence in its possession at this time, or that arise out of  
14 the conduct giving rise to this investigation. In this regard, Defendant recognizes that the  
15 United States has agreed not to prosecute all of the criminal charges that the evidence  
16 establishes were committed by Defendant solely because of the promises made by  
17 Defendant in this Agreement. Defendant acknowledges and agrees, however, that for  
18 purposes of preparing the Presentence Report, the United States Attorney's Office will  
19 provide the United States Probation Office with evidence of all relevant conduct  
20 committed by Defendant.

21       10.    Acceptance of Responsibility. The United States acknowledges that  
22 Defendant has assisted the United States by timely notifying the authorities of her  
23 intention to plead guilty, thereby permitting the United States to avoid preparing for trial  
24 and permitting the Court to allocate its resources efficiently. If at the time of sentencing,  
25 the United States remains satisfied that Defendant has accepted responsibility, then it will  
26 recommend a sentence that takes this acceptance of responsibility into consideration.  
27 Defendant understands and agrees that the United States will base its recommendation on  
28 factors set forth in the United States Sentencing Guidelines, including Section 3E1.1.



1           11.    Cooperation.

2           a.       Defendant shall cooperate completely and truthfully with law  
3 enforcement authorities in the investigation and prosecution of other individuals involved  
4 in criminal activity. Such cooperation shall include, but not be limited to, complete and  
5 truthful statements to law enforcement officers, as well as complete and truthful  
6 testimony, if called as a witness before a grand jury, or at any state or federal trial, retrial,  
7 or other judicial proceedings. Defendant acknowledges that this obligation to cooperate  
8 shall continue after Defendant has entered a guilty plea and sentence has been imposed,  
9 no matter what sentence Defendant receives. Failure to do so may constitute a breach of  
10 this Plea Agreement.

11           b.       Defendant understands the United States will tolerate no deception  
12 from her. If, in the estimation of the United States Attorney, information or testimony  
13 provided from the date of the Plea Agreement, proves to be untruthful or incomplete in  
14 any way, regardless of whether the untruthfulness was intended to help or hurt the United  
15 States' case, the United States Attorney for the Western District of Washington may  
16 consider that Defendant has breached this Plea Agreement.

17           c.       The United States Attorney's Office for the Western District of  
18 Washington, in turn, agrees not to prosecute Defendant for any other offenses, other than  
19 crimes of violence, that Defendant may have committed in the Western District of  
20 Washington prior to the date of this Agreement about which: (1) the United States  
21 presently possesses information; or (2) Defendant provides information pursuant to this  
22 Agreement to cooperate with the authorities.

23           d.       The parties agree that information provided by Defendant in  
24 connection with this Plea Agreement shall not be used to determine her sentence, except  
25 to the extent described in USSG § 1B1.8.

26           e.       In exchange for her cooperation as described above, and conditioned  
27 upon her fulfillment of all provisions of this Plea Agreement, nited States Attorney agrees  
28 to advise the Probation Office and the Court of the extent and usefulness of Defendant's

1 cooperation. Defendant understands and expressly acknowledges, however, that the  
2 United States will not file a USSG § 5K1.1 motion for downward departure.

3 12. Voluntariness of Plea. Defendant acknowledges that she has entered into  
4 this Plea Agreement freely and voluntarily, and that no threats or promises, other than the  
5 promises contained in this Plea Agreement, were made to induce Defendant to enter this  
6 plea of guilty.

7 13. Waiver of Appeal As part of this Plea Agreement and on the condition that  
8 the Court imposes a custodial sentence that is within or below the Sentencing Guidelines  
9 range that is determined by the Court at the time of sentencing, Defendant waives to the  
10 full extent of the law:

- 11 a. any right conferred by Title 18, United States Code, Section 3742 to  
12 appeal the sentence, including any restitution order imposed; and
- 13 b. any right to bring a collateral attack against the conviction and  
14 sentence, including any restitution order imposed, except as it may  
15 relate to the effectiveness of legal representation.

16 Furthermore, this waiver does not preclude Defendant from bringing an  
17 appropriate motion pursuant to 28 U.S.C. § 2241, to address the conditions of her  
18 confinement or the decisions of the Bureau of Prisons regarding the execution of her  
19 sentence.

20 If Defendant breaches this Plea Agreement at any time by appealing or  
21 collaterally attacking (except as to effectiveness of legal representation) the conviction or  
22 sentence in any way, the United States may prosecute Defendant for any counts, including  
23 those with mandatory minimum sentences, that were dismissed or not charged pursuant to  
24 this Plea Agreement.

25 14. Statute of Limitations. In the event that this Agreement is not accepted by  
26 the Court for any reason, or Defendant has breached any of the terms of this Plea  
27 Agreement, the statute of limitations shall be deemed to have been tolled from the date of  
28 the Plea Agreement to: (1) 30 days following the date of non-acceptance of the Plea

1 Agreement by the Court; or (2) 30 days following the date on which a breach of the Plea  
2 Agreement by Defendant is discovered by the United States Attorney's Office.

3 15. Post-Plea Conduct. Defendant understands that the terms of this Plea  
4 Agreement apply only to conduct that occurred prior to the execution of this Agreement.  
5 If, after the date of this Agreement, Defendant should engage in illegal conduct, or  
6 conduct that is in violation of her conditions of release (examples of which include, but  
7 are not limited to: obstruction of justice, failure to appear for a court proceeding, criminal  
8 conduct while pending sentencing, and false statements to law enforcement agents, the  
9 Pretrial Services Officer, Probation Officer or Court), the United States is free under this  
10 Agreement to seek a sentence that takes such conduct into consideration. Such a sentence  
11 could include, to the extent the United States Sentencing Guidelines are applicable, a  
12 sentencing enhancement or upward departure.

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1           16. Completeness of Agreement. The United States and Defendant  
2 acknowledge that these terms constitute the entire Plea Agreement between the parties.  
3 This Agreement only binds the United States Attorney's Office for the Western District of  
4 Washington. It does not bind any other United States Attorney's Office or any other  
5 office or agency of the United States, or any state or local prosecutor.

6  
7           Dated this 25TH day of JULY, 2008.

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9  
10   Victoria J. Tade  
11   \_\_\_\_\_

VICTORIA J. TADE  
Defendant

12  
13   Allen R. Bentley  
14   \_\_\_\_\_

ALLEN R. BENTLEY  
Attorney for Defendant

15  
16   Katheryn Kim Frierson  
17   \_\_\_\_\_

KATHERYN KIM FRIERSON  
Assistant United States Attorney

18  
19   Tessa Gorman  
20   \_\_\_\_\_

TESSA GORMAN  
Assistant United States Attorney

21  
22   Carl Blackstone  
23   \_\_\_\_\_

CARL BLACKSTONE  
Assistant United States Attorney