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Superior Court of California
County of Los Angeles

JUL 26 2017

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**SUPERIOR COURT OF STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v.

04 MARISA NELSON,

Defendant.

Case No. BA455469

**AGREEMENT BETWEEN
THE PEOPLE OF THE
STATE OF CALIFORNIA
AND MARISA NELSON**

Date: July 26, 2017

Time: 10:30 a.m..

Dept.: 106

This constitutes the plea agreement between MARISA NELSON
("defendant") and the LOS ANGELES COUNTY DISTRICT ATTORNEY'S
OFFICE ("The People") in the above-captioned case.

I.

**DEFINITION OF TERMS AND AGREEMENT
REGARDING INFORMATION PROVIDED BY DEFENDANT**

For purposes of this agreement: "Cooperation Information" shall mean any statements, testimony, or documents, records or other tangible evidence, or other information provided, by defendant pursuant to the fulfillment of this agreement; "Proffer Information" shall mean any statements, testimony, or documents, records or other tangible evidence, provided pursuant to the letter agreement previously entered into by the parties dated May 31, 2017 (the "Letter Agreement"); and "Plea Information" shall mean any statements made by defendant, under oath, at the guilty plea hearing and the agreed to factual statement in this agreement.

It is the understanding and intention of the People, Defendant Nelson and her attorney, Amy Jacks, that Cooperation Information and Plea Information provided pursuant to this agreement is provided in exchange for the agreed upon sentencing terms and with the understanding that, absent a breach by the defendant, it shall not be offered as evidence in the case-in-chief against this defendant in the above-captioned case, or any other criminal prosecution that may be brought against her.

It is also the understanding and intention of the People, Defendant Nelson and her attorney, Amy Jacks, that the People may use Cooperation Information, Proffer Information and Plea Information: (1) to obtain and pursue leads to other evidence (including other sources and/or copies of documents or records provided by defendant) which may be used for any purpose, including any criminal prosecution of defendant; (2) to cross-examine defendant should she testify, or to rebut any evidence offered or argument or representation made by defendant at any court proceeding; and

1 (3) in any criminal prosecution of defendant for obstruction of justice or
2 perjury.

3
4 **II.**

5 **OBLIGATIONS OF THE PEOPLE**


6 The PEOPLE agree to:


- 7 a.) Abide by all agreements regarding sentencing contained in this
8 agreement.
- 9 b.) Abide by the above understanding and the Letter Agreement regarding
10 information provided by the defendant.
- 11 c.) If defendant has abided by the terms of this Plea Agreement and not
12 breached its terms, then, at the time of sentencing, permit defendant to
13 withdraw her guilty plea and admission and, thereafter, move to
14 dismiss all counts of the complaint as against her.
- 15

16
17 **III.**


18 **OBLIGATIONS OF THE DEFENDANT**


19 MARISA NELSON agrees to:


- 20 1.  At the earliest possible opportunity, appear and plead guilty to Count 1
21 Penal Code 182/550(a)(6) of the complaint in the above-captioned case
22 for the maximum term of 5 years and admit the special allegation
23 pursuant to Penal Code 12022.6(a)(4) for an additional term of 4
24 years. Additionally, the defendant will waive all custody credit
25 previously served in connection with this prosecution.
- 26
27
28


1 2.  At the time of the Plea, Defendant will make a factual statement under
2 oath summarizing the truthful "Proffer Information" she provided over the
3 several days of interviews. The defendant will review the written
4 summary for accuracy before making the statement. That statement will
5 be transcribed and become a permanent part of the Plea Agreement.
6

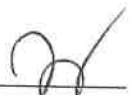
7 This cooperation requires defendant to:

8 3.  Cooperate fully with the People and any other federal, state or local
9 prosecuting, enforcement, administrative or regulatory authority and
10 related proceedings
11


12 4.  Respond truthfully and completely to all questions that may be put to
13 her, whether in interviews, before a grand jury, or at any trial, or post-
14 conviction proceedings, retrial or other court proceeding.
15


16 5.  Attend all meetings, grand jury sessions, trial or other proceedings in
17 this case or related cases at which her presence is requested by the
18 People or compelled by subpoena or court order. This includes
19 specifically all named defendants in the following case numbers
20 BA455469, BA455470, BA455473, BA425397 and BA425339.
21


22 6.  Obey any other order of the court in this and related matters.
23
24

25 7.  As requested, voluntarily produce documents, records or other tangible
26 evidence in her possession.
27
28

1 Defendant understands and agrees with the following:

2 8.  Any knowingly false or misleading statement provided in her Proffer
3 Information, Cooperation Information, or Plea Information will subject
4 her to prosecution for obstruction of justice and perjury and will
5 constitute a breach of this agreement.

6
7 9.  If at any time after the signature of this Plea Agreement, she
8 knowingly violates or fails to perform any of her obligations under this
9 agreement ("a breach") and the Court finds such a breach to have
10 occurred, then: (i) at the time set for sentencing, defendant will not be
11 able to withdraw her guilty plea and admission; (ii) the People will be
12 relieved of its obligations under this Plea Agreement and the Court
13 will impose the agreed upon maximum sentence of nine (9) years
14 imprisonment for the crimes to which defendant has pled guilty; and
15 (iii) the People will no longer be bound by any agreement regarding
16 the use of Cooperation Information and will be free to use any
17 Cooperation Information in any investigation or criminal prosecution
18 of defendant.

19
20 10.  This Plea Agreement requires defendant's continued cooperation if a
21 named defendant comes within the Court's jurisdiction at any time
22 after the date set for defendant's sentencing. If on the date set for
23 defendant's sentencing, defendant's plea is withdrawn and the charges
24 in the case are dismissed pursuant to the Plea Agreement and
25 subsequently, a named defendant comes within the Court's
26 jurisdiction, the defendant is still bound by the terms of this Plea
27 Agreement. If the defendant has knowingly breached this Plea
28 Agreement, the People can seek reinstatement of any previously

1 withdrawn plea and admissions and request the Court to immediately
2 sentence defendant pursuant to this Plea Agreement. The defendant
3 waives all rights to challenge any such prosecution and/or sentencing
4 based upon jurisdiction, claims of speedy trial, double jeopardy, or the
5 statute of limitations.

6
7 11. mm The People may use both Cooperation Information and Plea
8 Information: (1) to obtain and pursue leads to other evidence, which
9 evidence may be used for any purpose, including any criminal
10 prosecution of defendant; (2) to cross-examine defendant should she
11 testify, or to rebut any evidence offered or argument or representation
12 made by defendant at any court proceeding; and (3) in any criminal
13 prosecution of defendant for obstruction of justice or perjury.
14

15 IV.

16 NATURE OF THE OFFENSE

17 12. mm Defendant understands that for defendant to be guilty of the crime
18 charged in count one, a violation of Penal Code 182/550(a)(6),
19 conspiracy to commit insurance fraud, the following must be true: she
20 directly and actively aided and abetted or conspired with another
21 person to knowingly make or cause to be made a false or fraudulent
22 claim for payment of a health care benefit; she acted with the specific
23 intent to defraud; and the amount of the claim, or the aggregate
24 amount at issue was in excess of \$950.

25
26 13. mm Defendant understands that in order for the special allegation pursuant
27 to Penal Code 12022.6(a)(4) to be true the following must all be true:
28

1 in the commission of the crime property was intentionally taken and
2 the loss exceeded \$3,200,000.

3
4 14. M Defendant understands that the statutory maximum sentence for the
5 crime charged in count one, a violation of Penal Code 182/550(a)(6) is
6 five (5) years imprisonment. Defendant further understands that if the
7 special allegation pursuant to Penal Code 12022.6(a)(4) is true, then
8 the court must impose a consecutive sentence of four (4) years
9 imprisonment. The defendant understands that if she is sentenced
10 pursuant to the terms of this Plea Agreement her total term of
11 imprisonment for the crimes to which she is pleading guilty and the
12 special allegation that she is admitting as true is nine (9) years
13 imprisonment. She further agrees that she is waiving all previously
14 accrued custody credit for all purposes at the time of sentencing.

15
16 **V.**

17 **WAIVER OF CONSTITUTIONAL RIGHTS**

18 15. M Defendant understands that by pleading guilty, she gives up the
19 following rights:

20
21 16. M The right to a preliminary hearing.

22
23 17. M The right to a speedy and public trial by jury.

24
25 18. M The right to a court trial.

26
27 19. M The right to the assistance of an attorney at trial, including the right to
28 have the Court appoint an attorney to represent defendant at trial.

1 Defendant understands, however, that, despite the defendant's guilty
2 plea, defendant retains the right to be represented by an attorney, and,
3 if necessary, to have the Court appoint an attorney if defendant cannot
4 afford one, at every other stage of the proceeding.

5
6 20. *mn* The right to be presumed innocent and to have the burden of proof
7 placed on the People to prove defendant guilty beyond a reasonable
8 doubt.

9
10 21. *mn* The right to confront and cross-examine witnesses against defendant.

11
12 22. *mn* The right to testify on defendant's own behalf and present evidence in
13 opposition to the charges, including calling witnesses and subpoenaing
14 those witnesses to testify.

15
16 23. *mn* The right not to be compelled to testify, and, if defendant chose not to
17 testify or present evidence, to have that choice not be used against
18 defendant.

19
20 24. *mn* Any and all rights to pursue any affirmative defenses, Fourth
21 Amendment or Fifth Amendment claims, and other pretrial motions
22 that have been filed or could be filed.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 **CONSEQUENCES OF CONVICTION**

2 25. Defendant understands that if she is convicted and sentenced pursuant
3 to this Plea Agreement, the consequences of her conviction will be:
4

5 26. Defendant will be sentenced to a term of nine (9) years in custody.
6

7 27. The Court will order defendant to pay between \$200 and \$10,000 to the
8 Victim's Restitution Fund, as well as to pay actual restitution to any
9 victim in this case. The Court will also order defendant to pay certain
10 mandatory statutory fees and other assessments.
11

12 28. The Court will order defendant to provide biological samples and
13 finger and palm prints for identification purposes as required by law
14 and that failure of defendant to provide these samples and prints is a
15 new criminal offense.
16

17 **ADDITIONAL CONSEQUENCES OF CONVICTION**

18 29. Defendant understands that if she is convicted and sentenced pursuant
19 to this Plea Agreement, the additional consequences of her conviction
20 will include:
21

22 30. If defendant is not a citizen of the United States, conviction of the
23 offenses charged will have the consequences of deportation, exclusion
24 from admission to the United States, or denial of naturalization
25 pursuant to the laws of the United States.
26

27 31. The conviction can be used to increase the penalty in future felony
28 prosecutions.

1
2 32. m Upon her release from custody, defendant will be placed on parole for
3 a period of years. There will be terms and conditions of that parole.
4 And, defendant may be sent back to prison for violating those terms
5 and conditions.
6

7 **WAIVER OF APPEAL OF CONVICTION**

8 33. m Defendant understands that, with the exception of an appeal based on
9 a claim that defendant's guilty plea and admission were involuntary,
10 by pleading guilty and admitting the special allegation, defendant is
11 waiving and giving up any right to appeal defendant's convictions on
12 the offenses to which defendant is pleading guilty.
13

14 **EFFECTIVE DATE OF AGREEMENT**

15 34. m This agreement is effective upon signature and execution of all
16 required certifications by defendant, defendant's counsel, the People
17 and the Court.
18

19 **NO ADDITIONAL AGREEMENTS**

20 35. m Defendant understands that, except as set forth herein, there are no
21 promises, understandings, or agreements between the People and
22 defendant or defendant's attorney and that no additional promise,
23 understanding, or agreement may be entered into unless in a writing
24 signed by all the parties or on the record in court.
25

26 **PLEA**

27 36. m Defendant has fully discussed with her attorney the charges, the
28 evidence, and the possible defenses in this case.

1
2 37. Defendant is pleading "Guilty" freely and voluntarily and with the full
3 understanding of all matters set forth in this Plea Agreement. No one
4 has made any threats against defendant, used any force against
5 defendant, her family or loved ones, or made any promises to
6 defendant except as set out in this Plea Agreement in order to convince
7 defendant to plead guilty.

8
9 38. Defendant is not under the influence of any substance, and is not
10 suffering from any medical or mental condition that is or may be
11 impairing her ability to enter into this Plea Agreement.

12
13 39. Defendant has personally and voluntarily read and initialed each of the
14 above paragraphs and discussed them with her attorney. Defendant
15 understands that each and every one of the rights outlined above and
16 hereby waives and gives up each of them in order to enter a plea of
17 guilty and admit the special allegation as described in this Plea
18 Agreement.

19
20 40. Defendant and the People agree that this agreement will be considered
21 part of the record of defendant's guilty plea hearing as if the entire
22 agreement had been read into the record of the proceeding.

23
24 AGREED AND ACCEPTED.

25
26 Dated: 7/26/17


Marisa Nelson

MARISA NELSON

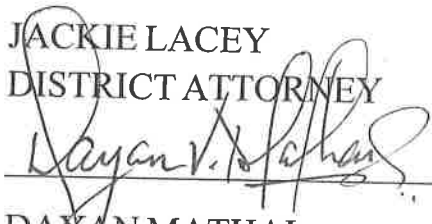
DEFENDANT'S ATTORNEY

I am attorney of record and I have explained each of the above rights to the defendant, and having explored the facts with her and studied her possible defenses to the charges, I concur in her decision to waive the above rights and to enter a plea of guilty as outlined in this Plea Agreement. I stipulate that there is a factual basis for this plea. I further stipulate that this document may be received by the Court as evidence of defendant's voluntary, knowing, intelligent waiver of these rights and that it will be filed by the clerk as a permanent record of that waiver. This document consists of 12 pages and represents the entire agreement among the People, my client and myself. No other promises of leniency or other consideration have been made to me or anyone on my behalf.

Dated: July 26 2017


AMY E. JACKS
Attorney for Defendant
MARISA NELSON

Dated: 7/26/17

JACKIE LACEY
DISTRICT ATTORNEY

DAYAN MATHAI
DEPUTY DISTRICT ATTORNEY