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5 *Counsel for the United States*

7 UNITED STATES DISTRICT COURT
 8 DISTRICT OF NEVADA

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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 TIANNA CHRISTINA CORDOVA,

14 Defendant.

Case No.: 2:18-cr-00208-RFB-CWH

PLEA AGREEMENT UNDER
FED. R. CRIM. P. 11 (c)(1)(A) and (C)

16 The United States of America, by and through DAYLE ELIESON, United States
 17 Attorney, Brandon C. Jaroch, Assistant United States Attorney, the defendant,
 18 TIANNA CHRISTINA CORDOVA, and her attorney, Ryan Norwood, AFPD, submit
 19 this Binding Plea Agreement under Federal Rules of Criminal Procedure 11(c)(1)(A)
 20 and (C).

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1 **I. SCOPE OF AGREEMENT**

2 The parties to this Plea Agreement are the United States of America and
3 TIANNA CHRISTINA CORDOVA (the defendant). This Plea Agreement binds the
4 defendant, the United States Attorneys' Office for the District of Nevada, and the
5 Court. It does not bind any other prosecuting, administrative, or regulatory authority,
6 or the United States Probation Office.

7 The Plea Agreement sets forth the parties' agreement regarding the criminal
8 charges referenced in the Plea Agreement and the applicable sentence, fine, forfeiture,
9 and restitution. It does not control or prohibit the United States or any agency or third
10 party from seeking any other civil or administrative remedies directly or indirectly
11 against the defendant.

12 **II. DISPOSITION OF CHARGES AND WAIVER OF TRIAL RIGHTS**

13 A. Guilty Plea. The defendant knowingly and voluntarily agrees to plead
14 guilty to the following charge, as set forth in the Superseding Criminal Information:

15 Count One: Distribution of a Controlled Substance – Fentanyl, in violation of 21
16 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

17 B. Waiver of Trial Rights. The defendant acknowledges that she has been
18 advised and understands that by entering a plea of guilty she is waiving -- that is,
19 giving up -- certain rights guaranteed to all defendants by the laws and the
20 Constitution of the United States. Specifically, the defendant is giving up:

21 1. The right to proceed to trial by jury on all charges, or to a trial by a
22 judge if the defendant and the United States both agree;

23

1 2. The right to confront the witnesses against the defendant at such a
2 trial, and to cross-examine them;

3 3. The right to remain silent at such a trial, with assurance that her
4 silence could not be used against her in any way;

5 4. The right to testify in her own defense at such a trial if she so
6 chooses;

7 5. The right to compel witnesses to appear at such a trial and testify
8 in the defendant's behalf;

9 6. The right to have the assistance of an attorney at all stages of such
10 proceedings; and

11 7. The right to indictment by a grand jury.

12 C. Withdrawal of Guilty Plea. The defendant will not seek to withdraw her
13 guilty plea after she has entered it in court.

14 D. Additional Charges. The United States agrees not to bring any additional
15 charges against the defendant arising out of the investigation in the District of Nevada
16 that culminated in this Plea Agreement and based on conduct known to the United
17 States except that the United States reserves the right to prosecute the defendant for
18 any crime of violence as defined by 18 U.S.C. § 16. The government will also move to
19 dismiss the Superseding Criminal Indictment at the time of sentencing.

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1 **III. ELEMENTS OF THE OFFENSES**

2 Count One: The elements of Distribution of a Controlled Substance, in violation
3 of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), are:

4 (1) The defendant knowingly distributed fentanyl, or some other prohibited
5 drug; and

6 (2) The defendant knew it was fentanyl, or some other prohibited drug.

7 *See* 9th Cir. Crim. Jury Instr. 9.19.

8 **IV. FACTS SUPPORTING GUILTY PLEA**

9 A. The defendant will plead guilty because she is, in fact and under the law,
10 guilty of the crime charged.

11 B. The defendant acknowledges that if she elected to go to trial instead of
12 pleading guilty, the United States could prove her guilt beyond a reasonable doubt.
13 The defendant further acknowledges that her admissions and declarations of fact set
14 forth below satisfy every element of the charged offenses.

15 C. The defendant waives any potential future claim that the facts she
16 admitted in this Plea Agreement were insufficient to satisfy the elements of the
17 charged offenses.

18 D. For purposes of the charged offenses, the defendant admits and declares
19 under penalty of perjury that the facts set forth below are true and correct:

20 On or about March 14, 2017, the defendant knowingly distributed a controlled
21 substance in the form of prescription pills that contained fentanyl to C.K., at 9429
22 Medford Falls Ave., Las Vegas, NV. C.K. ingested the pills, which resulted in her
23 death from multiple drug intoxication (fentanyl, acetyl fentanyl, and citalopram).

1 All of the foregoing occurred in the State and Federal District of Nevada.

2 **V. COLLATERAL USE OF FACTUAL ADMISSIONS**

3 The facts set forth in Section IV of this Plea Agreement shall be admissible
4 against the defendant under Federal Rule of Evidence 801(d)(2)(A) at sentencing for
5 any purpose. If the defendant does not plead guilty or withdraws her guilty plea, the
6 facts set forth in Section IV of this Plea Agreement shall be admissible at any
7 proceeding, including a trial, for impeaching or rebutting any evidence, argument or
8 representation offered by or on the defendant's behalf. The defendant expressly waives
9 all rights under Federal Rule of Criminal Procedure 11(f) and Federal Rule of Evidence
10 410 regarding the use of the facts set forth in Section IV of this Plea Agreement.

11 **VI. APPLICATION OF SENTENCING GUIDELINES PROVISIONS**

12 A. Discretionary Nature of Sentencing Guidelines. The defendant
13 acknowledges that the Court must consider the United States Sentencing Guidelines
14 ("USSG" or "Sentencing Guidelines") in determining the defendant's sentence, but that
15 the Sentencing Guidelines are advisory, not mandatory, and the Court has discretion to
16 impose any reasonable sentence up to the maximum term of imprisonment permitted
17 by statute.

18 B. Offense Level Calculations. The parties stipulate to the following
19 calculation of the defendant's offense level under the Sentencing Guidelines,
20 acknowledge that these stipulations do not bind the Court, and agree that they will not
21 seek to apply any other specific offense characteristics, enhancements or reductions:
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23

1 Count One:

| | | |
|---|--|-----------------|
| 2 | Base Offense Level (USSG § 2D1.1(a)(2)) | 38 |
| 3 | USSG § 3E1.1 (Acceptance of Responsibility)(if applicable) | <u>-2 or -3</u> |
| 4 | Total Adjusted Offense Level | 36 or 35 |

5 The defendant acknowledges that any statutory minimum sentence and the
6 statutory maximum sentence may limit the Court's discretion in determining the
7 defendant's sentence notwithstanding any applicable Sentencing Guidelines provisions.

8 C. Reduction of Offense Level for Acceptance of Responsibility. Under USSG
9 § 3E1.1(a), the United States will recommend that the defendant receive a two-level
10 downward adjustment for acceptance of responsibility unless she (a) fails to truthfully
11 admit facts establishing a factual basis for the guilty plea when she enters the plea; (b)
12 fails to truthfully admit facts establishing the amount of restitution owed when she
13 enters her guilty plea; (c) fails to truthfully admit facts establishing the forfeiture
14 allegations when she enters her guilty plea; (d) provides false or misleading
15 information to the United States, the Court, Pretrial Services, or the Probation Office;
16 (e) denies involvement in the offense or provides conflicting statements regarding her
17 involvement or falsely denies or frivolously contests conduct relevant to the offense; (f)
18 attempts to withdraw her guilty plea; (g) commits or attempts to commit any crime; (h)
19 fails to appear in court; or (i) violates the conditions of pretrial release.

20 Under USSG § 3E1.1(b), if the Court determines that the Defendant's total
21 offense level, before operation of § 3E1.1(a), is 16 or higher, and if the United States
22 recommends a two-level downward adjustment pursuant to the preceding paragraph,
23 the United States will move for an additional one-level downward adjustment for

1 acceptance of responsibility before sentencing because the Defendant communicated
2 his decision to plead guilty in a timely manner that enabled the United States to avoid
3 preparing for trial and to efficiently allocate its resources.

4 D. Criminal History Category. The defendant acknowledges that the Court
5 may base her sentence in part on the defendant's criminal record or criminal history.
6 The Court will determine the defendant's Criminal History Category under the
7 Sentencing Guidelines.

8 E. Relevant Conduct. The Court may consider any counts dismissed under
9 this Plea Agreement and all other relevant conduct, whether charged or uncharged, in
10 determining the applicable sentence.

11 F. Additional Sentencing Information. The parties may provide additional
12 information to the United States Probation Office and the Court regarding the nature,
13 scope, and extent of the defendant's criminal conduct and any aggravating or
14 mitigating facts or circumstances. Good faith efforts to provide truthful information or
15 to correct factual misstatements shall not be grounds for the defendant to withdraw
16 her guilty plea.

17 The defendant acknowledges that the United States Probation Office may
18 calculate the appropriate sentence differently and may rely on additional information it
19 obtains through its investigation. The defendant also acknowledges that the Court
20 may rely on this and other additional information as it calculates the appropriate
21 sentence and makes other sentencing determinations, and the Court's reliance on such
22 information shall not be grounds for the defendant to withdraw her guilty plea.

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1 VII. APPLICATION OF SENTENCING STATUTES

2 A. Maximum Penalty.

3 Count One: The maximum penalty for violating 21 U.S.C. §§ 841(a)(1) and
4 841(b)(1)(C) is 20 years imprisonment, a fine of not more than \$1,000,000, or both.

5 B. Factors Under 18 U.S.C. § 3553. The Court must consider the factors set
6 forth in 18 U.S.C. § 3553(a) in determining the defendant's sentence. However, the
7 statutory minimum sentence limits the Court's discretion in determining the
8 defendant's sentence.

9 C. Parole Abolished. The defendant acknowledges that her prison sentence
10 cannot be shortened by early release on parole because parole has been abolished.

11 D. Supervised Release. In addition to imprisonment and a fine, the
12 defendant will be subject to a term of supervised release of not less than three years.
13 Supervised release is a period of time after release from prison during which the
14 defendant will be subject to various restrictions and requirements. If the defendant
15 violates any condition of supervised release, the Court may order the defendant's
16 return to prison for all or part of the term of supervised release, which could result in
17 the defendant serving a total term of imprisonment greater than the statutory
18 maximum prison sentence of one year.

19 E. Special Assessment. The defendant will pay a \$100.00 special assessment
20 per count of conviction at the time of sentencing.

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1 **VIII. RESTITUTION**

2 In exchange for benefits received under this Plea Agreement, the defendant
3 agrees to make full restitution in an amount to be determined by the Court for all of
4 the losses the defendant caused by her schemes or offenses, whether charged or
5 uncharged, pled to or not, and by all of her relevant conduct. 18 U.S.C. § 3663(a)(3).
6 The defendant cannot discharge her restitution obligation through bankruptcy
7 proceedings. The defendant acknowledges that restitution payments and obligations
8 cannot offset or reduce the amount of any forfeiture judgment imposed in this case.

9 **IX. FORFEITURE**

10 Upon conviction of the controlled substance offense alleged in the Indictment,
11 the defendant shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any
12 property constituting, or derived from, any proceeds obtained, directly or indirectly, as
13 a result of the said violation(s) and any property used, or intended to be used, in any
14 manner or part, to commit, or to facilitate the commission of the said violation(s).

15 **X. POSITIONS REGARDING SENTENCE**

16 The parties have agreed to a sentencing range of no less than five years and no
17 more than 15 years imprisonment followed by at least five years of supervised release.
18 If the Court accepts the Defendant's plea, that range of punishment will be binding on
19 the Court. Further, the defendant agrees that she will not seek early termination of
20 her term of supervised release.

21 The Government will be free to argue for a sentence of up to 15 years
22 imprisonment, which is anticipated to be within the Sentencing Guidelines range as
23 determined by the Court, unless the defendant commits any act that could result in a

1 loss of the downward adjustment for acceptance of responsibility. This Plea Agreement
2 does not require the United States to file any pre- or post-sentence downward
3 departure motion under USSG §5K1.1 or Fed. R. Crim. P. 35. Notwithstanding its
4 agreement to recommend a sentence within the Sentencing Guidelines range, the
5 United States reserves its right to defend any lawfully-imposed sentence on appeal or
6 in any post-conviction litigation.

7 The defendant will be free to argue for a sentence of no less five years
8 imprisonment through a downward adjustment pursuant to 18 U.S.C. § 3553. The
9 defendant will not, directly or indirectly, seek a sentence lower than five years
10 imprisonment.

11 **XI. FINANCIAL INFORMATION AND DISPOSITION OF ASSETS**

12 Before or after sentencing, upon request by the Court, the United States, or the
13 Probation Office, the defendant will provide accurate and complete financial
14 information, submit sworn statements, and/or give depositions under oath concerning
15 her assets and her ability to pay. The defendant will surrender assets she obtained
16 directly or indirectly as a result of her crimes, and will release funds and property
17 under her control in order to pay any fine, forfeiture, or restitution ordered by the
18 Court.

19 **XII. THE DEFENDANT'S ACKNOWLEDGMENTS AND WAIVERS**

20 A. Plea Agreement and Decision to Plead Guilty. The defendant
21 acknowledges that:

22 1. She has read this Plea Agreement and understands its terms and
23 conditions;

1 2. She has had adequate time to discuss this case, the evidence, and
2 this Plea Agreement with her attorney;

3 3. She has discussed the terms of this Plea Agreement with her
4 attorney;

5 4. The representations contained in this Plea Agreement are true and
6 correct, including the facts set forth in Section IV; and

7 5. She was not under the influence of any alcohol, drug, or medicine
8 that would impair her ability to understand the Agreement when she considered
9 signing this Plea Agreement and when she signed it.

10 The defendant understands that she alone decides whether to plead guilty or go
11 to trial, and acknowledges that she has decided to enter her guilty plea knowing of the
12 charges brought against her, her possible defenses, and the benefits and possible
13 detriments of proceeding to trial. The defendant also acknowledges that she decided to
14 plead guilty voluntarily and that no one coerced or threatened her to enter into this
15 Plea Agreement.

16 B. Waiver of Appeal and Post-Conviction Proceedings. The defendant
17 knowingly and expressly waives: (a) the right to appeal any sentence that is between
18 five and 15 years imprisonment; (b) the right to appeal the manner in which the Court
19 determined that sentence on the grounds set forth in 18 U.S.C. § 3742; and (c) the right
20 to appeal any other aspect of the conviction or sentence and any order of restitution or
21 forfeiture.

22 The defendant also knowingly and expressly waives all collateral challenges,
23 including any claims under 28 U.S.C. § 2255, to her conviction, sentence, and the

1 procedure by which the Court adjudicated guilt and imposed sentence, except non-
2 waivable claims of ineffective assistance of counsel.

3 The defendant reserves only the right to appeal any portion of the sentence that
4 is less than five or more than 15 years imprisonment.

5 The defendant acknowledges that the United States is not obligated or required
6 to preserve any evidence obtained in the investigation of this case.

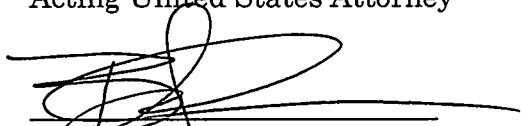
7 C. Removal/Deportation Consequences. The defendant understands and
8 acknowledges that if she is not a United States citizen, then it is highly probable that
9 she will be permanently removed (deported) from the United States as a consequence
10 of pleading guilty under the terms of this Plea Agreement. The defendant has also
11 been advised if her conviction is for an offense described in 8 U.S.C. § 1101(a)(43), she
12 will be deported and removed from the United States and will not be allowed to return
13 to the United States at any time in the future. The defendant desires to plead guilty
14 regardless of any immigration consequences that may result from her guilty plea, even
15 if the consequence is automatic removal from the United States with no possibility of
16 returning. The defendant acknowledges that she has specifically discussed these
17 removal/deportation consequences with her attorney.

18 **XIII. ADDITIONAL ACKNOWLEDGMENTS**

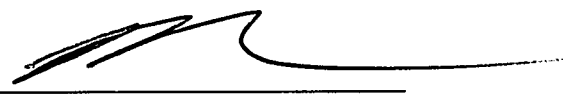
19 This Plea Agreement resulted from an arms-length negotiation in which both
20 parties bargained for and received valuable benefits in exchange for valuable
21 concessions. It constitutes the entire agreement negotiated and agreed to by the
22 parties. No promises, agreements or conditions other than those set forth in this
23 agreement have been made or implied by the defendant, the defendant's attorney, or

1 the United States, and no additional promises, agreements or conditions shall have any
2 force or effect unless set forth in writing and signed by all parties or confirmed on the
3 record before the Court.

4 DAYLE ELIESON
Acting United States Attorney



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6 DATE 11/20/18
7 BRANDON C. JAROCH
Assistant United States Attorney



8
9 DATE 11-15-18
10 RYAN NORWOOD, AFPD
Counsel for Defendant CORDOVA



11 DATE 11-15-18
12 TIANNA CHRISTINA CORDOVA
Defendant

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