

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
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SOUTHERN DISTRICT
OF INDIANA
LAURA ALBRIGGS
CLERK

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 KEXUE HUANG,)
 a/k/a "John,")
)
 Defendant.)

Cause Nos. 1:10-cr-0102-WTL-KPF-01
and
District of Minnesota Cause No.:
CR10-312-PAM/AJB to be replaced by
(Southern District of Indiana Rule 20
cause no.)

PETITION TO ENTER A PLEA OF GUILTY

REQUEST FOR PRESENTENCE
INVESTIGATION AND REVIEW OF PRESENTENCE
REPORT PRIOR TO ENTRY OF PLEA OF GUILTY

The above-named defendant respectfully represents to the Court as follows:

1. My full true name is Kexue Huang, and I request that all proceedings against me be had in the name which I here declare to be my true name.
2. I was born in 1965, at Hunan, in the Country of China, and the last four digits of my Social Security number are XXX-XX-2898. I have attended school and completed my schooling through the 12 grade; and I have the ability to read, write and understand the English language.

3. I am represented by counsel and my attorneys' names are Jamie Eager and Ron Byron.

4. I have received a copy of both Indictments before being called upon to plead. I have read and discussed them with my attorney and believe and feel that I understand every accusation made against me in both cases.

5. I have told my attorney the facts and surrounding circumstances as known to me concerning the matters mentioned in the Indictments, and believe and feel that my attorney is fully informed as to all such matters. My attorney has since informed, counseled and advised me as to the nature and cause of every accusation against me and as to any possible defenses I might have in the cases.

6. My attorney has advised me that the punishment which the law provides is as follows:

Count	Minimum Years of Imprisonment	Maximum Years of Imprisonment	Maximum fine ¹ for each of the Counts is:
5 1:10-cr-0102- WTL-KPF-01	0	15	\$500,000.00 or twice the gain
1 CR10-312- PAM/AJB	0	10	\$250,000.00 or twice the gain

My attorney has also advised me that my sentence will fall within the minimum and maximum after a determination of the applicable Sentencing Guidelines. I understand that restitution may also be imposed. Also that probation may or may not be granted; that if I plead "Guilty" to more than one offense

¹18 U.S.C. § 3571

(Count), the Court may order the sentences to be served consecutively one after another and the Court may order restitution. In addition, I understand that the Court may impose one or more terms of supervised release of up to three (3) years for both Counts 1 and 5.

7. I understand that I will have to pay a Special Assessment of \$100.00 for each felony count and \$50.00 for each misdemeanor count to which I have plead guilty pursuant to Title 18, United States Code, Section 3013.

8. I understand that I am entitled to have all of my rights which may be involved in this matter explained to me, and that I have the right to have any questions I may have answered for me.

9. I understand that I may, if I so choose, plead "Not Guilty" to any offense charged against me, and that if I choose to plead "Not Guilty" the Constitution guarantees me: (a) the right to a speedy and public trial by jury in the District in which I am charged; (b) the right to be considered for release until my trial occurs²; (c) the right to see and hear all the witnesses against me at my trial; (d) the right to use the power and the process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor, at my trial; (e) the right to the assistance of counsel at every stage of the proceedings, including an appeal if need be; and (f) that in the event that I should be found guilty of the charge against me, I would have a right to appeal my conviction on such charge to a higher court.

10. I understand also, that if I plead "Guilty," the Court may impose the same punishment as if I had plead "Not Guilty," had stood trial and been convicted by a jury.

11. Except for the provisions of the Plea Agreement, I declare that no officer or agent of any branch of government (federal, state or local), nor any other person, has made any promise or suggestion

²Title 18, U.S.C. §§ 3141-3156, Release and Detention Pending Judicial Proceedings.

of any kind to me, or within my knowledge to anyone else, that I would receive a lighter sentence, or probation, or any other form of leniency, if I would plead "Guilty." I hope to receive probation, but am prepared to accept any punishment permitted by law which the Court may see fit to impose. However, I respectfully request that the Court consider in mitigation of punishment at the time of sentencing the fact that by voluntarily pleading "Guilty" I have saved the Government and the Court the expense and inconvenience of a trial. I understand that before it imposes sentence, the Court will address me personally and ask me if I wish to make a statement on my behalf and to present any information in mitigation of punishment.

12. I believe and feel that my attorneys have done all that anyone could do to counsel and assist me and that I now understand the proceedings in this case against me.

13. I know the Court will not accept a plea of "Guilty" from anyone who claims to be innocent and, with that in mind and because I make no claim of innocence, I wish to plead "Guilty," and respectfully request the Court to accept my plea as follows: "Guilty" as charged to Count 5 of the Indictment returned in the Southern District of Indiana under 1:10-cr-0102-WTL-KPF-01, and "Guilty" as charged to Count 1 of the Indictment returned in the District of Minnesota under CR10-312-PAM/AJB.

14. I declare that I offer my pleas of "Guilty" freely, voluntarily and of my own accord; also that my attorney has explained to me, and I believe and feel I understand, the statements set forth in the Information and in this petition, and in the "Certificate of Counsel" which is attached to this petition.

15. I further state that I wish the Court to omit and consider as waived by me all readings of the Indictment in open Court, and all further proceedings regarding my arraignment, and I pray the Court to accept and enter now my pleas of "Guilty" as set forth above in paragraph 13 of this petition.

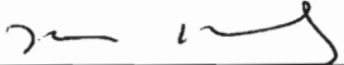
16. I request and consent to a presentence investigation by the probation officers of the United States District Courts to be commenced at this time and prior to the entry of my formal plea of guilty. I further request and consent to the review of my presentence report by a Judge, by my attorney and myself and by the government at any time, including the time prior to entry of a formal plea of guilty.

17. I further state that I will contact the United States Probation Office in the United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204 (Telephone: 317-229-3750) within five (5) calendar days of my signing this Petition so that the presentence investigation may be commenced.

18. I understand that the Southern District of Indiana intends to supersede the original indictment and that the District of Minnesota is considering a similar grand jury presentation. I have requested that both districts refrain from seeking said superseding indictments to effect the plea agreement agreed upon by all parties.

19. I understand that the plea agreement contemplates a transfer of the District of Minnesota case to the Southern District of Indiana for a global resolution pursuant to Federal Rules of Criminal Procedure, Rule 20. In signing the plea agreement, I request that the Southern District of Indiana trial date currently set for October 31, 2011 be vacated and hereby acknowledge that the time from the date of this filing or before based on activity or exclusions charged to me, be tolled for purposes of the Speedy Trial Act.

Signed by me in the presence of my attorney this 9th day of 08, 2011.


KEXUE HUANG, a/k/a "John"
Defendant

STATEMENT OF THE DEFENDANT

I have read the entire Plea Agreement and discussed it with my attorney.

I understand all the terms of the Plea Agreement and those terms correctly reflect the results of plea negotiations.

I am fully satisfied with my attorney's representation during all phases of this case.

I am freely and voluntarily pleading guilty in this case.

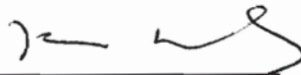
I am pleading guilty as set forth in this Plea Agreement because I am guilty of the crime to which I am entering my plea.

My attorney has informed me, and I understand, that I have the right to appeal any conviction and sentence that I receive, unless I have waived my right to appeal as part of this Plea Agreement. If I have not waived my right to appeal, I understand that I must file a Notice of Appeal within 10 days of the entry of the judgment in this case; I further understand that the Clerk of the Court will prepare and file a Notice of Appeal on my behalf if I ask that to be done. I also understand that the United States has the right to appeal any sentence that I receive under this Plea Agreement.

Finally, my attorney has informed me, and I understand, that if I provide or cause to be provided materially false information to a judge, magistrate-judge, or probation officer, then Section 3C1.1 of the Sentencing Guidelines allows the Court to impose a two (2) level increase in the offense level.

09/08/2011

DATE




KEXUE HUANG, a/k/a "John"
Defendant

CERTIFICATE OF COUNSEL

The undersigned, as attorney and counselor for the defendant, hereby certifies as follows:

1. I have read and fully explained to the defendant all the accusations against the defendant which are set forth in the Indictment in this case;
2. To the best of my knowledge and belief each statement set forth in the foregoing petition is in all respects accurate and true;
3. The plea of "Guilty" as offered by the defendant in paragraph 13 of the foregoing petition accords with my understanding of the facts as related to me by the defendant and is consistent with my advice to the defendant;
4. In my opinion, the defendant's waiver of all reading of the Indictment in open Court, and in all further proceedings regarding arraignment as provided in Rule 10, is voluntarily and understandingly made; and I recommend to the Court that the waiver be accepted by the Court;
5. In my opinion, the plea of "Guilty" as offered by the defendant in paragraph 13 of the foregoing petition is voluntarily and understandingly made and I recommend to the Court that the plea of "Guilty" be now accepted and entered on behalf of the defendant as requested in paragraph 13 of the foregoing petition.

Signed by me in the presence of the above-named defendant this 9th day of 08,
2011.




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