

## Comparison of Disposition of All Defendants' Cases

Defendant	Original Charges	Count(s) of Conviction	Defendant's Role in the Offense	Impact of Plea	Punishment
Bergman, Britton	10, 17	8 U.S.C. 1324(a)(1): harboring of aliens unlawfully in the United States	<p>In July 2007, within the District of Kansas and elsewhere, defendant Britton A. Bergman was associated with an organization called the Kaweah Indian Nation (KIN), which was selling memberships in the KIN to aliens primarily from Mexico and Central America as a way in which the purchasers supposedly could try to establish themselves lawfully within the United States. The defendant had the title of KIN chief of security. He assisted with the processing and handling of membership applications, and also produced membership certificates and identification cards. These activities occurred primarily in Whichita, Sedgwick County, Kansas. By so doing, the organization's and defendant's actions served to encourage aliens to come to or reside in the United States in reckless disregard of whether their coming to or residing in the United States would be in violation of law.</p>	<p>By pleading to this charge as a Rule 11(c)(1)( C) plea, Mr. Bergman achieved three purposes. First, the maximum statutory penalty was 5 years rather than 20 years under the fraud statute. Second, the guidelines range used was 2L1.1 which had a far more favorable result than application under 2B1.1. Finally, this allowed the (c)(1)( C) plea to be viewed as reasonable because it was somewhat grounded in the guidelines. Initially the agreed sentence was 12 months plus one day.</p>	Two years probation.

Cervantes, Jaime	15, 16	Ct. 15 False representation of a US citizen	On June 8, 2007, the defendant, Jaime Cervantes, signed and submitted to the Wichita, Kansas, office of the Social Security Administration a Form SS-5 "Application for Original Social Security Number Card" upon which he knowingly, intentionally, willfully and falsely claimed to be a citizen of the United states when he was not.	This was a plea pursuant to 11(c)(1)( C) which had an agreed upon sentence of time served.	Time served: approximately 8 ½ months.
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<p>Del Carmen-Zamora, Eduviges</p>	<p>6, 8, 9, 11, 12</p>	<p>18 U.S.C. 4 (misprison)</p>	<p>In 2007 within the District of Kansas, defendant Eduviges del Carmen-Zamora worked for a person named Malcolm L. Webber, the self-described “grand chief” of a so-called Indian Tribe, the Kaweah Indian Nation. Weber sold “memberships” in the “Indian Tribe” to foreign nationals, primary Hispanics like Mrs. Zamora, leading them to believe if they joined his “tribe,” they would be citizens of the United States. When someone applied for a membership, which cost anywhere from \$50 to more than \$1,000, Mrs. Zamora and others would generate a membership certificate and laminated card indicating “citizenship” in the tribe, then provide the certificate and card to the person applying for membership often by sending in the United States mail to the person. Many of the applications were also received by mail, and Mrs. Zamora was among those who processed the mailed-in applications. During the course of her employment in 2007, Mrs. Zamora became aware that the memberships had no value, and that persons receiving the certificates and cards could not become United States citizens merely by joining Webber’s group. Even though these applicants were being defrauded, Mrs. Zamora continued to process the applications and receiving payment from the organization for her services, but no time while she worked there did she attempt to make known what Webber and his organization were doing to a judge or other person in civil or military authority under the United States.</p>	<p>By pleading to this charge, which has a three year statutory cap and the guideline for misprison has a very favorable reduction in the offense level, Ms. Zamora was able to avoid the harsh application of the mail fraud statute.</p>	<p>Time served: approximately four months (on bond but unable to post).</p>
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Flynn, Chuck	3, 4, 5, 9, 10, 11, 12, 17	8 U.S.C. 1324(a)(1): harboring of aliens unlawfully in the United States	<p>In July 2007, in the District of Kansas and elsewhere, defendant Chuck Flynn encouraged aliens to come to or reside in the United States in reckless disregard of the fact that such coming to or residing in the United States was or would be in violation of law. The defendant was associated with an organization called the Kaweah Indian Nation (KIN), which was selling memberships in the KIN to aliens primarily from Mexico and Central America as a way in which the purchasers supposedly could try to establish themselves lawfully within the United States. The defendant had the title of KIN tribal "chief." He assisted with the processing and handling of membership applications as well as the application "fees" that accompanied the applications. These activities occurred primarily in Wichita, Sedgwick County, Kansas. By so doing, the defendant was encouraging aliens to come to or reside in the United States in reckless disregard of whether their coming to or residing in the United States would be in violation of law.</p>	<p>By pleading to this charge as a Rule 11(c)(1)(C) plea, Mr. Flynn achieved two purposes. First, the maximum statutory penalty was 5 years rather than 20 years under the fraud statute. Second, the guidelines range used was 2L1.1 which had a far more favorable result than application under 2B1.1. Finally, this allowed the (c)(1)(C) plea to be viewed as reasonable because it was somewhat grounded in the guidelines. Counts 3,4,5,9,10,11 and 12 were dismissed.</p>	12 months and one day imprisonment .
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Flynn, Debra	3, 4, 5, 9, 10, 11, 12, 17	8 U.S.C. 1324(a)(1)	<p>In 2007 within the District of Kansas, defendant Debra J. Flynn was under the employ of a person named Malcolm L. Webber, the self-described "grand chief" of a so-called Indian Tribe, the Kaweah Indian Nation. Webber and his organization, of which Debra J. Flynn was designated "secretary of state," sold "memberships" in the "Indian tribe" to foreign nationals, who thought that by obtaining the memberships, they could attain a lawful status with the United States. The defendant had various roles in the organization and served as its primary administrator. She assisted with the processing and handling of membership applications, produced membership certificates and identification cards, and supervised others in doing so. She also interacted with others around the United States who were marketing the memberships, including pastors of Hispanic churches many of whose members are not lawfully present in the United States. By September 2007, the organization had sold or received applications from more than 14,000 persons wishing to join the "Kaweah Indian Nation." These activities occurred primarily in Wichita, Sedgwick County, Kansas. The defendant knew that many of the persons who were obtaining "Kaweah Indian Nation" membership were not lawfully present in the United States or recklessly disregarded their probable unlawful status. By directing and participating in the organization's activities, the defendant's actions served to encourage aliens to come to or reside in the United States knowing or in reckless disregard of whether their coming to or residing in the United States would be in violation of law.</p>	By pleading to this charge, Ms. Flynn avoided the consequence of the application under 2B1.1 and instead 2L1.1 was used. Counts 3,4,5,9,10,11,12 and 17 were dismissed.	12 months and 1 day
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<p>Orellana, Victor</p>	<p>Dismissed the Indictment (charged in counts 9, 11, 12 and 17)</p>	<p>18 U.S.C. 4 (misprison)</p>	<p>In 2007 within the District of Kansas and elsewhere, defendant Victor W. Orellana learned through co-defendant Jorge Villareal (now a fugitive from justice) that a group in Wichita, Kansas, was selling memberships in a so-called Indian tribe going by the name Kaweah Indian Nation. Villareal told Orellana that the memberships were a way illegal aliens could obtain U.S. citizenship without going through immigration authorities. Orellana, who was living in Long Beach, California, at the time, is a citizen of Guatemala who has lawful status within the United States. Villareal told Orellana the memberships sold for \$200 plus any additional amount they could sell them for as a "processing fee." Villareal gave Orellana membership applications and Orellana began selling the memberships for around \$600. In June 2007, Long Beach police officers responded to Orellana's residence in Long Beach, where there was a line of Spanish-speaking persons out the door. They told the officers they were there to apply for Indian documents from Orellana. The officers talked to Orellana about what he was doing and ended up seizing \$12,700 in cash from him. Orellana freely admitted he was selling the memberships to illegal aliens based on what Villareal had told him, and that he was not sure whether the process actually would result in U.S. citizenship for those who bought them. Orellana knew that by selling the memberships, he was encouraging the buyers to continue to reside in the United States even though, at the time he was selling the memberships to them, they had no lawful status, which is a felony cognizable by a court of the United States, 8 U.S.C. § 1324(a)(1)(iv). Prior to the officers coming to his house, defendant Orellana had knowingly and intentionally concealed and did not as soon as possible make known the "harboring" crime to a judge or other person in civil or military authority under the United States.</p>	<p>By pleading to a misprison through a Superseding Information, avoided the harsh application of the mail fraud statute.</p>	<p>Time served.</p>
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Pena, Hector	7, 13, 14	Case dismissed.			
Villareal, Jorge	3, 4, 5, 9, 11, 12, 17	Still not arrested			
Williams, Raynal	5, 11	Government dismissed case.			

Zamora, Angel	8, 9,	18 U.S.C. 4 (misprison)	<p>In 2007 within the District of Kansas, defendant Angel O. Zamora occasionally assisted a person named Malcolm L. Webber, the self-described "grand chief" of a so-called Indian Tribe, the Kaweah Indian Nation. In truth, Webber's organization was nothing more than a limited liability company formed by Webber to have the appearance of a legitimate Indian tribe. Webber sold "memberships" in the "Indian Tribe" to foreign nationals, primary Hispanics like Mr. Zamora, leading them to believe if they joined his "tribe," they would be citizens of the United States. When someone applied for a membership, which cost anywhere from \$50 to more than \$1,000, persons working for Webber would generate a membership certificate and laminated card indicating "citizenship" in the tribe, then provide the certificate and card to the person applying for it often by sending in the United States mail to the person. Many of the applications were also received by U.S. Mail, and Mr. Zamora's wife, Eduviges del Carmen-Zamora, was among those who processed the mailed-in applications. Mr. Zamora sometimes helped out at the location where the applications were being processed and the certificates and cards were produced. During the time Mr. Zamora and his wife were associated with Mr. Webber, Mr. Zamora questioned whether the Kaweah memberships had any value and whether the persons receiving the certificates and cards could become United States citizens merely by joining Webber's group, and knew that if the memberships had no value, that the people buying the memberships were being defrauded, and that the U.S. mails were often used to receive applications and send out membership documents. However, at not time did he attempt to make known what Webber and his organization were doing to a judge or other person in civil or military authority under the United States.</p>	<p>By pleading to this charge, which has a three year statutory cap and the guideline for misprison has a very favorable reduction in the offense level, Mr. Zamora was able to avoid the harsh application of the mail fraud statute.</p>	<p>Time served: approximately 13 months.</p>
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