

1 PHILLIP A. TALBERT
United States Attorney
2 JOSEPH D. BARTON
Assistant United States Attorney
3 2500 Tulare Street, Suite 4401
Fresno, CA 93721
4 Telephone: (559) 497-4000
Facsimile: (559) 497-4099

5 Attorneys for Plaintiff
6 United States of America

7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13 v.
14 NATASHA RENEE CHALK,
15 Defendant.

CASE NO. 1:21-CR-00024-JLT-SKO
PLEA AGREEMENT
DATE: TBD
TIME: TBD
COURT: TBD

16
17 **I. INTRODUCTION**

18 **A. Scope of Agreement.**

19 The indictment in this case charges the defendant with Count One for conspiracy to commit wire
20 fraud in violation of 18 U.S.C. § 1349, Counts Two through Fourteen for wire fraud in violation of 18
21 U.S.C. § 1343, and Count Fifteen for Aggravated Identity Theft in violation of 18 U.S.C. § 1028A(a)(1).
22 This document contains the complete plea agreement between the United States Attorney’s Office for
23 the Eastern District of California and the defendant regarding this case. This plea agreement is limited
24 to the United States Attorney’s Office for the Eastern District of California (the “government”) and
25 cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities.

26 **B. Court Not a Party.**

27 The court is not a party to this plea agreement. Sentencing is a matter solely within the
28 discretion of the court, and the court may take into consideration any and all facts and circumstances

1 concerning the criminal activities of the defendant, including activities which may not have been
2 charged in the indictment. The court is under no obligation to accept any recommendations made by the
3 parties, and the court may in its discretion impose any sentence it deems appropriate up to and including
4 the statutory maximum stated in this plea agreement.

5 If the court should impose any sentence up to the maximum established by the statute, the
6 defendant cannot, for that reason alone, withdraw her guilty plea, and she will remain bound to fulfill all
7 of the obligations under this plea agreement. The defendant understands that neither the prosecutor,
8 defense counsel, nor the court can make a binding prediction or promise regarding the sentence that she
9 will ultimately receive.

10 **II. DEFENDANT'S OBLIGATIONS**

11 **A. Guilty Plea.**

12 The defendant will plead guilty to Count One in the indictment for conspiracy to commit wire
13 fraud. The defendant agrees that she is guilty of this crime and that the facts set forth in the Factual
14 Basis for Plea, attached hereto as Exhibit A, are accurate and sufficient to support her conviction.

15 The defendant agrees that this plea agreement will be filed with the court and become a part of
16 the record of the case. The defendant also agrees that she will not be allowed to withdraw her guilty
17 plea should the court not follow the parties' sentencing recommendations.

18 The defendant agrees that the statements made by her in signing this plea agreement, including
19 the factual admissions set forth in the Factual Basis for Plea, shall be admissible and useable against her
20 in any subsequent criminal or civil proceedings, even if she fails to enter a guilty plea pursuant to this
21 agreement. The defendant waives any rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410, to the
22 extent that these rules are inconsistent with this paragraph or this plea agreement.

23 The defendant agrees that this plea agreement is a package offer, which means the offer is
24 conditioned on her co-defendant, Marquis Hooper, pleading guilty according to the terms of his plea
25 offer. The defendant also agrees that, if her co-defendant declines, refuses, or otherwise fails to plead
26 guilty according to his plea offer, then, at the option of the government, the defendant will not be
27 allowed to accept this plea agreement and enter a guilty plea pursuant to it. Finally, the defendant agrees
28 that, if her co-defendant declines, refuses, or otherwise fails to enter his plea according to his plea offer

1 and the defendant has already entered her plea, this plea agreement is voidable at the option of the
2 government. The government will then have the ability, in its sole discretion, to withdraw from this plea
3 agreement and pursue the original charges against the defendant. The defendant's waiver of rights under
4 Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410, as set forth in Section II.A herein, will not operate in this
5 type of situation.

6 Recognizing that this is a package offer, the defendant agrees that she has not been threatened,
7 pressured, or coerced by anyone, including her co-defendant, to enter into this plea agreement. The
8 defendant also agrees that she is entering into this plea agreement voluntarily because she is guilty of the
9 offense to which she is pleading.

10 **B. Restitution.**

11 The Mandatory Victim Restitution Act requires the court to order restitution to the victims of
12 certain offenses. The defendant agrees that her misconduct is governed by the Mandatory Restitution
13 Act and that she will pay the full amount of restitution owed to all victims affected by her offense. The
14 amount of restitution will not exceed \$160,000. The defendant and her co-defendant, Marquis Hooper,
15 will be jointly and severally liable for the restitution.

16 The defendant will not sell, encumber, transfer, convey, or otherwise dispose of any of her assets
17 without the prior written consent of the United States Attorney, except that the defendant may sell,
18 transfer, or convey personal property, including used vehicles and personal items but not financial
19 instruments or ownership interests in business entities, with an aggregate value of less than \$5,000, until
20 her restitution is satisfied.

21 The defendant agrees that all criminal monetary penalties imposed by the court, including her
22 restitution, will be due in full immediately at time of sentencing and subject to immediate enforcement
23 by the government. The defendant also agrees that any payment schedule or plan set by the court is
24 merely a minimum and does not foreclose the government from collecting all criminal monetary
25 penalties at any time through all available means as prescribed by law.

26 The defendant agrees that she will not seek to discharge any restitution obligation in a
27 bankruptcy proceeding. The defendant also agrees that this plea agreement will be violated and voidable
28 at the option of the government if she fails to pay restitution as agreed. The government will provide

1 payment instructions to the defendant.

2 **C. Fine.**

3 The parties agree that no fine is appropriate in this case.

4 **D. Special Assessment.**

5 The defendant agrees to pay a special assessment of \$100 at the time of sentencing by delivering
6 a check or money order, payable to the United States District Court, to the United States Probation
7 Office immediately before the sentencing hearing.

8 **E. Violation of Plea Agreement by Defendant or Withdrawal of Plea.**

9 If the defendant violates this plea agreement in any way, withdraws her plea, or tries to withdraw
10 her plea, this plea agreement is voidable at the option of the government. If the government voids the
11 plea agreement based on the defendant's violation, the government will no longer be bound by its
12 representations to the defendant concerning the limits on criminal prosecution and sentencing as set
13 forth herein. A defendant violates a plea agreement by committing any crime, providing or procuring
14 any statement or testimony that is knowingly false, misleading, or materially incomplete in any litigation
15 or sentencing process in this case, or engaging in any post-plea conduct constituting obstruction of
16 justice. Varying from stipulated United States Sentencing Guidelines ("USSG") application or
17 agreements regarding arguments as set forth in this plea agreement, personally or through counsel, also
18 constitutes a violation of the agreement. The government will then have the right to prosecute the
19 defendant on the count to which she pleaded guilty and file any new charges that would otherwise be
20 barred by this plea agreement. The defendant shall thereafter be subject to prosecution for any federal
21 criminal violation of which the government has knowledge. The decision to pursue any or all of these
22 options is solely in the discretion of the government.

23 By signing this plea agreement, the defendant agrees to waive any objections, motions, and
24 defenses that she may have to the government's decision. Any prosecutions that are not time-barred by
25 the applicable statute of limitations as of the date of this plea agreement may be commenced in
26 accordance with this paragraph, notwithstanding the expiration of the statute of limitations between the
27 signing of this agreement and the commencement of any such prosecutions. The defendant also agrees
28 not to raise any objections based on the passage of time with respect to such counts including, but not

1 limited to, any statutes of limitation, the Speedy Trial Act, or the Speedy Trial Clause of the Sixth
2 Amendment. The determination whether the defendant violated the plea agreement will be by a
3 probable cause standard.

4 In addition, all statements made by the defendant to the government or other designated law
5 enforcement agents, or any testimony given by the defendant before a grand jury or other tribunal,
6 whether before or after this plea agreement, shall be admissible in evidence in any criminal, civil, or
7 administrative proceedings hereafter brought against the defendant. The defendant shall assert no claim
8 under the United States Constitution, any statute, Fed. R. Crim. P. 11(f), Fed. R. Evid. 410, or any other
9 federal rule, that statements made by her before or after this plea agreement, or any leads derived
10 therefrom, should be suppressed. By signing this plea agreement, the defendant waives any and all
11 rights in the foregoing respects.

12 **F. Asset Disclosure.**

13 The defendant agrees to make a full and complete disclosure of her assets and financial
14 condition, and will complete the government's Authorization to Release Information and Financial
15 Affidavit within eight weeks from the entry of her guilty plea, including supporting documentation. The
16 defendant also agrees to have the court enter an order to this effect. The defendant understands that, if
17 she fails to be truthful and provide the described documentation to the government within the allotted
18 time, she will be considered in violation of the plea agreement, and the government shall be entitled to
19 the remedies set forth in Section II.E. The defendant authorizes the government to obtain a credit report
20 for her to evaluate her ability to satisfy any restitution imposed by the court.

21 **III. THE GOVERNMENT'S OBLIGATIONS**

22 **A. Dismissals and Other Charges.**

23 The government agrees to move, at the time of sentencing, to dismiss, without prejudice, the
24 remaining counts in the indictment. The government also agrees not to reinstate any dismissed counts,
25 except as provided in Sections II.E (Violation of Plea Agreement by Defendant or Withdrawal of Plea),
26 VI.B (Stipulated Guidelines Calculations), and VII.B (Waiver of Appeal and Collateral Attack) herein.
27 The government also agrees not to bring any other charges arising from the misconduct outlined in the
28

1 Factual Basis for Plea.

2 **B. Recommendations.**

3 The government will recommend that the defendant be sentenced to a term of imprisonment up
4 to the low end of the applicable USSG range as determined by the court, three years' supervised release,
5 and restitution. The government will recommend a two-level reduction, if the offense level is less than
6 16, or a three-level reduction. if the offense level reaches 16, in the computation of her offense level if
7 the defendant clearly demonstrates acceptance of responsibility for her misconduct as defined in USSG
8 § 3E1.1. This includes the defendant meeting with and assisting the probation officer in the preparation
9 of the pre-sentence report, being truthful and candid with the probation officer, and not otherwise
10 engaging in misconduct that constitutes obstruction of justice within the meaning of USSG § 3C1.1,
11 either in the preparation of the pre-sentence report or during the sentencing proceeding.

12 **C. Use of Information for Sentencing.**

13 The government is free to provide full and accurate information to the court and probation at
14 sentencing, including answering any inquiries made by the court or probation and rebutting any
15 inaccurate statements or arguments made by the defendant or her attorney. The defendant agrees that
16 nothing in this plea agreement bars the government from defending on appeal or collateral review any
17 sentence that the court may impose.

18 **IV. ELEMENTS OF THE OFFENSE**

19 At a trial, the government would have to prove beyond a reasonable doubt the following
20 elements to convict the defendant of conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349:

21 1. Conspiracy to commit wire fraud:

- 22 a) Defendant entered into an agreement with at least one other person to, in some
23 way, try to accomplish a common and unlawful plan to commit wire fraud; and
24 b) Defendant knew the unlawful purpose of the plan and willfully joined in the plan
25 with the intent to accomplish it.

26 2. Wire fraud:

- 27 a) Defendant knowingly participated in, devised, or intended to devise a scheme to
28 defraud by making fraudulent representations;

- b) Fraudulent representations were material and capable of influencing a person to part ways with money or property;
- c) Defendant acted with intent to defraud, which is intent to deceive and cheat; and
- d) Defendant used, or caused to be used, an interstate wire communication to carry out, or attempt to carry out, an essential part of the scheme.

18 U.S.C. §§ 1349, 1343; Model Crim. Jury Instr. 9th Cir. 15.35 (2022). The defendant understands the nature and elements of the crime charged in the indictment to which she is pleading guilty, together with the possible defenses thereto, and has discussed them with her attorney.

V. MAXIMUM SENTENCE

A. Maximum Penalty.

The maximum sentence that the court can impose for conspiracy to commit wire fraud is twenty years in prison, a fine of \$250,000, three years of supervised release, and a special assessment of \$100. The defendant agrees that the court can order the payment of restitution for the full loss caused by her misconduct. The defendant also understands that the restitution order is not restricted to the amounts alleged in the specific count to which she is pleading guilty.

B. Violations of Supervised Release.

The defendant understands that if she violates a condition of supervised release at any time during the term of supervised release, the court may revoke the term of supervised release and require the defendant to serve up to two additional years in prison.

VI. SENTENCING DETERMINATION

A. Statutory Authority.

The defendant agrees that the court must consult the USSG and determine a non-binding and advisory sentencing range for this case, and consider these factors when determining a final sentence. The defendant also agrees that the court must consider whether there is a basis for departure from the sentencing range, either above or below the sentencing range, because there exists an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration in formulating the USSG. Finally, the defendant agrees that the court, after consultation and consideration of the USSG, must impose a sentence that is reasonable in light of the factors set forth in 18 U.S.C. § 3553(a).

1 **B. Stipulated Guideline Calculations.**

2 The government and the defendant stipulate to the following USSG calculations:

- 3 1. Offense level:
- 4 a) Base offense level: 7
- 5 b) Loss amount: +10 (actual loss over \$150,000 but less than \$250,000)
- 6 c) Ten or more victims: +2
- 7 d) Sophisticated means: +2
- 8 e) Minor role: -2
- 9 f) Acceptance of responsibility: -3
- 10 g) Total offense level: 16
- 11 2. Criminal history category: I
- 12 3. Total range of imprisonment: 21-27 months

13 The government will recommend that the defendant be sentenced up to the low-end of the applicable
14 guideline range as determined by the court. The defendant is free to recommend to the court whatever
15 sentence she believes is appropriate under 18 U.S.C. § 3553(a).

16 The parties agree that they will not seek, or argue in support of, any other specific offense
17 characteristics, Chapter Three adjustments, departures, or cross-references except for the defendant’s
18 acceptance of responsibility or post-plea obstruction of justice.

19 **VII. WAIVERS**

20 **A. Waiver of Constitutional Rights.**

21 The defendant agrees that by pleading guilty she is waiving the following constitutional rights:
22 (1) to plead not guilty and to persist in that plea if already made, (2) to be tried by a jury, (3) to be
23 assisted at trial by an attorney, who would be appointed if necessary, (4) to pursue any affirmative
24 defenses, Fourth Amendment or Fifth Amendment claims, constitutional challenges to the statutes of
25 conviction, and other pretrial motions that have been filed or could be filed, (5) to subpoena witnesses to
26 testify on her behalf, (6) to confront and cross-examine witnesses against her, and (7) not to be
27 compelled to incriminate himself.

1 **B. Waiver of Appeal and Collateral Attack.**

2 The defendant agrees that the law gives her a right to appeal her guilty plea, conviction, and
3 sentence. The defendant also agrees as part of her plea, however, to give up the right to appeal the
4 guilty plea, conviction, and sentence imposed in this case as long as the sentence does not exceed the
5 statutory maximum for the offense to which she is pleading guilty. Finally, the defendant agrees that
6 this waiver includes, but is not limited to, any and all constitutional or legal challenges to her guilty plea
7 and conviction, including arguments that the statutes to which she is pleading guilty are unconstitutional
8 and any and all claims that the statement of facts attached to this plea agreement is insufficient to
9 support her guilty plea. The defendant specifically gives up the right to appeal any order of restitution
10 that the court may impose.

11 Notwithstanding the defendant's waiver of appeal, she will retain the right to appeal if the
12 sentence imposed by the court exceeds the statutory maximum or the government appeals the sentence
13 in the case. The defendant agrees that these circumstances occur infrequently, and that in almost all
14 cases this plea agreement constitutes a complete waiver of all appellate rights.

15 In addition, regardless of the sentence the defendant receives, she gives up any right to bring a
16 collateral attack, including a motion under 28 U.S.C. §§ 2255 or 2241, challenging any aspect of the
17 guilty plea, conviction, or sentence, except for non-waivable claims.

18 Notwithstanding the government's agreements in Section III.A, if the defendant ever attempts to
19 vacate her plea, dismiss the underlying charge, or modify or set aside her sentence on the count to which
20 she is pleading guilty, the government shall have the rights set forth in Section II.E.

21 **C. Waiver of Attorneys' Fees and Costs.**

22 The defendant agrees to waive all rights under the Hyde Amendment, Section 617, P.L. 105-119
23 (Nov. 26, 1997), to recover attorneys' fees or other litigation expenses in connection with the
24 investigation and prosecution of all charges in this case and of any related allegations.

25 **D. Impact of Plea on Defendant's Immigration Status.**

26 The defendant recognizes that pleading guilty may have consequences with respect to her
27 immigration status if she is not a citizen of the United States. Under federal law, a broad range of
28 crimes are removable offenses, including the offense to which the defendant is pleading guilty.

1 Removal and other immigration consequences are the subject of a separate proceeding, however, and the
2 defendant agrees that no one, including her attorney or the court, can predict to a certainty the effect of
3 her conviction on her immigration status. The defendant nevertheless affirms that she wants to plead
4 guilty regardless of any immigration consequences that her plea may entail, even if the consequence is
5 her automatic removal from the United States.

6 **VIII. ENTIRE PLEA AGREEMENT**

7 Other than this plea agreement, no agreement, understanding, promise, or condition between the
8 government and the defendant exists, nor will such agreement, understanding, promise, or condition
9 exist unless it is committed to in writing and signed by the defendant, counsel for the defendant, and
10 counsel for the government.

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1 **IX. APPROVALS AND SIGNATURES**

2 **A. Defense Counsel:**

3 I have read this plea agreement and discussed it fully with my client. The plea agreement
4 accurately and completely sets forth the entirety of the agreement. I concur with my client's decision to
5 plead guilty as set forth in this plea agreement.

6 Dated: February 13, 2023

7 /s/ Meghan D. McLoughlin
8 MEGHAN MCLOUGHLIN
9 Attorney for Natasha Chalk

10 **B. Defendant:**

11 I have read this plea agreement and carefully reviewed every part of it with my attorney. I
12 understand it, and I voluntarily agree to it. I have consulted with my attorney and fully understand my
13 rights with respect to the provisions of the USSG that may apply to my case. No other promises or
14 inducements have been made to me, other than those contained in this plea agreement. Nor has anyone
15 threatened or forced me, in any way, to enter into this plea agreement. Finally, I am satisfied with the
16 representation of my attorney in this case.

17 Dated: February 13, 2023

18 /s/ Natasha Renee Chalk
19 NATASHA RENEE CHALK
20 Defendant

21 **C. Attorney for the United States:**

22 I accept and agree to this plea agreement on behalf of the government.

23 Dated:

24 PHILLIP A. TALBERT
25 United States Attorney

26 JOSEPH D. BARTON
27 Assistant United States Attorney
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EXHIBIT A

FACTUAL BASIS FOR PLEA

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3 The defendant, Natasha Chalk, was a reservist in the Navy until November 2018. The
4 defendant's husband and co-defendant, Marquis Hooper, was enlisted in the United States Navy from
5 2008 until October 2018. They resided in Selma, State and Eastern District of California.

6 Company One was a company that owned and operated an online database that contained the
7 dates of birth, social security numbers, and other personal identifying information ("PII") for millions of
8 people. Company One obtained people's PII through its proprietary algorithms, which searched
9 publicly available records and aggregated the information for each person. Company One restricted
10 access to the database to businesses and government agencies that had a demonstrated, lawful need for
11 the information.

12 Beginning in August 2018, Hooper opened an online account with Company One that gave him
13 access to the company's database. He did so by falsely representing to Company One that he was acting
14 on behalf of the Navy and that the Navy needed him to perform background checks on service members.
15 After the account was opened, Hooper added Chalk to the account. They then searched for over 9,000
16 people's PII and sold the information to third parties on the dark web in exchange for \$160,000 in digital
17 currency. The dark web requires the use of an anonymizing browser called Tor, which routes searches
18 through a series of proxy servers operated by volunteers around the world. This makes a user's internet
19 protocol address untraceable. At least some of the third parties to whom they sold people's PII used the
20 information to commit further crimes.

21 For example, on November 19, 2018, Hooper and Chalk caused an electronic report with victim
22 T.M.'s PII to be generated by Company One. The request for the report was made from a computer in
23 Selma, State and Eastern District of California, and processed by a computer in Florida. The next day,
24 an individual went to T.M.'s bank in Arizona and tried to fraudulently withdraw money from T.M.'s
25 account. In doing so, the individual used a fake driver's license with T.M.'s PII that the individual had
26 obtained from Hooper and Chalk. The bank declined the transaction.

27 In December 2018, Company One suspended Hooper's account for suspected fraud. Thereafter,
28 Hooper, Chalk, K.D., and others tried to regain access to Company One's database. K.D. was also

1 enlisted in the Navy and was Hooper's friend. Hooper instructed K.D. to open an account with
2 Company One and falsely represent that the Navy needed K.D. to perform background checks on
3 service members just like Hooper had done. K.D. submitted an application and Company One told him
4 that his Supply Officer needed to sign the contract with the company. Navy Supply Officers are in-
5 charge of ordering services and supplies for the Navy, and they have contracting authority for the same.

6 Hooper subsequently emailed K.D. the contract identifying victim L.B. as K.D.'s Supply Officer
7 and containing L.B.'s forged signature, which K.D. submitted to Company One. L.B. was a Public
8 Affairs Officer in the Navy and an acquaintance of Chalk.

9 Company One asked K.D. for verification that L.B. was in fact his Supply Officer. On April 22,
10 2019, Hooper sent K.D. an email with a fake driver's license for L.B. that contained L.B.'s forged
11 signature and a fake letter purportedly from the Commanding Officer of the naval ship to which K.D.
12 was assigned confirming that L.B. was K.D.'s Supply Officer. Chalk helped Hooper obtain the fake
13 driver's license. K.D. sent the fake driver's license and letter to Company One, but the company
14 ultimately decided not to open the account. Therefore, Chalk agrees that she conspired to commit wire
15 fraud in violation of 18 U.S.C. § 1349.

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