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Attorney for Defendant Bryant E. Behrmann

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Criminal No. CR 09-205-BR

Plaintiff,

PETITION TO ENTER PLEA OF  
GUILTY, CERTIFICATE OF COUNSEL,  
AND ORDER ENTERING PLEA

v.

BRYANT E. BEHRMANN,

Defendant.

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The defendant represents to the Court:

1. My name is Bryant M. Behrmann. I am 63 years old. I have gone to school up to and including college and law school.
2. My attorney is Per A. Ramfjord.
3. My attorney and I have discussed my case fully. I have received a copy of the Information. I have read the Information, and I have discussed it with my attorney. My attorney has counseled and advised me concerning the nature of each charge, any lesser included offense, and the possible defenses that I might have in this case. I have been advised and understand that

the elements of a violation of 18 U.S.C. § 1957, to which I am pleading “GUILTY” as set forth in Count 3 of the Felony Information filed in *United States v. Bryant E. Behrmann*, Cr. Case No. CR 09-205-BR, are as follows: First, on or about October 4, 2006, I knowingly engaged in a monetary transaction, in or affecting interstate commerce, by depositing, withdrawing, transferring and exchanging funds, by and through a financial institution, when I wrote a check in the amount of \$220,000 from Wells Fargo account No. xxx-xxx5995 to Gabrielle Behrmann; second, that the transaction involved criminally derived property of a value greater than \$10,000; and third, that I knew that the property involved in the transaction represented the proceeds of some form of unlawful activity, that is Mail Fraud and Wire Fraud. I have had a full and adequate opportunity to disclose to my attorney all facts known to me that relate to my case. I understand that the Court may ask whether I am satisfied with the advice I have received from my attorney.

4. I know if I plead “GUILTY,” I will have to answer any questions that the judge asks me about the offense to which I am pleading guilty. I also know that if I answer falsely under oath and in the presence of my attorney, my answers could be used against me in a prosecution for perjury or false statement.

5. I am not under the influence of alcohol or drugs. I am not suffering from any injury, illness or disability affecting my thinking or my ability to reason. I have not taken any drugs or medications within the past seven (7) days that have any impact on my ability to understand the consequences of my actions in entering this plea.

6. I understand that conviction of a crime can result in consequences in addition to imprisonment. Such consequences include deportation or removal from the United States or denial of naturalization if I am not a United States citizen; loss of eligibility to receive federal

benefits; loss of certain civil rights (which may be temporary or permanent depending on applicable state or federal law), such as the right to vote, to hold public office, and to possess a firearm; and loss of the privilege to engage in certain occupations licensed by the state or federal government.

7. I know that I may plead “NOT GUILTY” to any crime charged against me and that I may persist in that plea if it has already been made. I know that if I plead “NOT GUILTY,” the U.S. Constitution guarantees me:

a. The right to a speedy and public trial by jury, during which I will be presumed to be innocent unless and until I am proven guilty by the government beyond a reasonable doubt and by the unanimous vote of 12 jurors;

b. The right to have the assistance of an attorney at all stages of the proceedings;

c. The right to use the power and process of the Court to compel the production of evidence, including the attendance of witnesses in its favor;

d. The right to see, hear, confront, and cross-examine all witnesses called to testify against me;

e. The right to decide for myself whether to take the witness stand and testify, and if I decide not to take the witness stand, I understand that no inference of guilt may be drawn from this decision; and

f. The right not to be compelled to incriminate myself.

8. I know that if I plead “GUILTY,” there will be no trial before either a judge or a jury and that I will not be able to appeal from the judge’s denial of any pretrial motions I may have filed concerning matters or issues not related to the Court’s jurisdiction.

9. In this case I am pleading GUILTY” under Rule 11(c)(1)(C). My attorney has explained the effect of my plea under Rule 11(c)(1)(C) to be as follows: The Court may accept my Plea Agreement, reject it, or defer its decision until a presentence report has been prepared. If the Court accepts the agreement, the Court will be bound to impose a sentence of 72 months’ imprisonment. If the court rejects the agreement, I may withdraw my guilty plea and will be free to proceed to trial as if the agreement does not exist.

10. I know the maximum sentence that can be imposed on me for the crime to which I am pleading guilty is 10 years’ imprisonment and a fine of up to \$250,000.

11. I know that the judge, in addition to any other penalty, will order a special assessment as provided by law in the amount of \$100 per count of conviction.

12. I know that if I am ordered to pay a fine, and I willfully refuse to pay that fine, I can be returned to court, where the amount of the unpaid balance owed on the fine can be substantially increased by the judge and I can be imprisoned for up to one year.

13. My attorney has discussed with me the Federal Sentencing Guidelines. I know that under the Federal Sentencing Guidelines, the sentencing judge will ordinarily select a sentence from within the guideline range. If, however, a case presents unusual facts or other circumstances, the law permits the judge to depart from the guidelines and impose a sentence either above or below the guideline range. Although most sentences will be imposed within the guideline range, I know that there is no guarantee that my sentence will be within the guideline range. If my attorney or any other person has calculated a guideline range for me, I know that this is only a prediction and that it is the judge who makes the final decision as to what the guideline range is and what sentence will be imposed. I also know that a judge may not impose a sentence greater than the maximum sentence referred to in paragraph 10 above.

14. I know from discussion with my attorney that under the Federal Sentencing Guidelines, if I am sentenced to prison, I am not entitled to parole. I will have to serve the full sentence imposed except for any credit for good behavior that I earn. I can earn credit for good behavior in prison at a rate of up to 54 days for each year of imprisonment served. Credit for good behavior does not apply to a sentence of one year or less.

15. I know that if I am sentenced to prison, the judge will impose a term of supervised release to follow the sentence. During my supervised release term, I will be supervised by a probation officer according to terms and conditions by the judge. In my case, a term of supervised release can be up to three years. If I violate the conditions of supervised release, I may be sent back to prison for up to one additional year without credit for time served.

16. I know that in addition to or in lieu of any other penalty, the judge can order restitution payments to any victim of any offense to which I plead guilty. I am also informed that for certain crimes of violence and crimes involving fraud or deceit, it is mandatory that the judge impose restitution in the full amount of any financial loss or harm caused by an offense. If imposed, the victim can use the order of restitution to obtain a civil judgment lien. A restitution order can be enforced by the United States for up to twenty (20) years from the date of my release from imprisonment or, if I am not imprisoned, twenty (20) years from the date of the entry of judgment. If I willfully refuse to pay restitution as ordered, a judge may resentence me to any sentence that could originally have been imposed.

17. On any fine or restitution in an amount of \$2,500 or more, I know that I will be required to pay interest unless that fine or restitution is paid within fifteen (15) days from the date of the entry of judgment.

18. If I am on probation, parole or supervised release in any other state or federal case, I know that by pleading guilty in this Court, my probation, parole or supervised release may be revoked and I may be required to serve time in that case, which may be consecutive, that is, in addition to any sentence imposed on me in this Court.

19. If I have another case pending in any state or federal court, I know that my petition and plea agreement in this case do not, in the absence of an express and written agreement, apply to my other case(s) and that I can be faced with consecutive sentences of imprisonment.

20. My plea of "GUILTY" is based on a plea agreement that I have made with the prosecutor. That plea agreement is attached hereto as Exhibit A and incorporated herein. I have read the plea agreement, and I understand the plea agreement.

21. The plea agreement contains the only agreement between the U.S. government and me. No officer or agent of any branch of government (federal, state or local) or anyone else has promised or suggested that I will receive a lesser term of imprisonment or probation or any other form of leniency if I plead "GUILTY," except as stated in the plea agreement. I understand that I cannot rely on any promise or suggestion made to me by a government agent or officer that is not stated in writing in the plea agreement or that is not presented to the judge in my presence in open court at the time of the entry of my plea of "GUILTY."


22. My plea of "GUILTY" is not the result of force, threat or intimidation.

23. I hereby request that the judge accept my plea of "GUILTY" to the following count(s): Count 3 of the Felony Information filed in *United States v. Bryant E. Behrmann*, Cr. Case No. CR 09-205-BR.

24. I know that the judge must be satisfied that a crime occurred and that I committed that crime before my plea of "GUILTY" can be accepted. With respect to the charge to which I am pleading "GUILTY," I represent that I did the following acts and that the following facts are true: On or about October 4, 2006, I knowingly wrote a check in the amount of \$220,000 from Wells Fargo account No. xxx-xxx5995 to Gabrielle Behrmann, knowing that the property involved in the transaction represented the proceeds of Mail Fraud and Wire Fraud, specifically, that the company represented funds that individuals had invested in reliance on certain material misrepresentations that I and others included on the Web site of Global Online Direct, which had facilities here in the District of Oregon.

25. I offer my plea of "GUILTY" freely and voluntarily and of my own accord and with a full understanding of the allegations set forth in the Information and with a full understanding of the statements set forth in this Petition and in the certificate of my attorney that is attached to this Petition.

SIGNED by me in the presence of my attorney after reading (or having read to me) all of the foregoing pages and paragraphs of this Petition on the 9th day of June, 2009.

  
Bryant E. Behrmann

**CERTIFICATE OF COUNSEL**

The undersigned, as attorney for defendant Bryant E. Behrmann, hereby certifies:

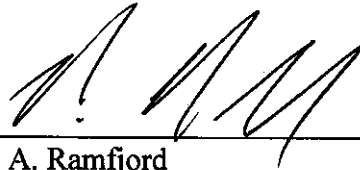
1. I have fully explained to the defendant the allegations contained in the Information in this case, any lesser-included offense(s) and the possible defenses that may apply in this case.

2. I have personally examined the attached Petition to Enter Plea of Guilty and Order Entering Plea, explained all of its provisions to the defendant and discussed fully with the defendant all matters described and referred to in the Petition.

3. I have explained to the defendant the maximum penalty and other consequences of entering a plea of guilty described in paragraphs 6 through 20 of the Petition, and I have also explained to the defendant the applicable Federal Sentencing Guidelines.

4. I recommend that the Court accept the defendant's plea of "GUILTY."

SIGNED by me in the presence of the above-named defendant and after full discussion with the defendant of the contents of the Petition to Enter Plea of Guilty and any Plea Agreement on this 9th day of June, 2009.



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Per A. Ramfjord  
OSB NO. 934024  
(503) 294-9257

Attorney for Defendant Bryant Behrmann





U.S. Department of Justice  
**Karin J. Immergut**  
United States Attorney  
District of Oregon  
1000 S.W. Third Avenue, Suite 600  
Portland, OR 97204-2902

Office: (503) 727-1000  
Fax: (503) 727-1117

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May 28, 2009

Per A. Ramfjord  
Stoel Rives LLP  
900 SW Fifth Avenue, Ste 2600  
Portland, OR 97204

Re: *United States v. Bryant E. Behrmann*; CR 09-205-BR  
Revised Plea Offer

Dear Per:

- Parties/Scope:** This plea agreement is between this United States Attorney's Office (USAO) and defendant, and thus does not bind any other federal, state, or local prosecuting, administrative, or regulatory authority. This agreement does not apply to any other charges other than those specifically mentioned herein.
- Charges:** Defendant agrees to waive indictment and plead guilty to Count 3 of the Information, which charges the crime of Money Laundering (18 U.S.C. § 1957). Defendant agrees to waive venue with respect to Count 3.
- Penalties:** The maximum sentence for Money Laundering under 18 U.S.C. § 1957 is ten years' imprisonment, a fine of up to \$250,000 or not more than twice the amount of the criminally derived property involved in the transaction, three years of supervised release, and a \$100 fee assessment. Defendant agrees to pay the fee assessment by the time of sentencing or explain to the court why this cannot be done.
- Dismissal/No Prosecution:** The USAO will move to dismiss at sentencing any remaining counts against defendant. The USAO further agrees not to bring additional charges against defendant in the District of Oregon arising out of this investigation, known to the USAO at the time of this agreement.
- Sentencing Factors:** The parties agree that pursuant to *United States v. Booker/Fanfan*, 125 S. Ct. 738 (2005), the court must determine an advisory sentencing guideline range pursuant to the United States Sentencing Guidelines (USSG). The court will then determine a reasonable sentence within the statutory range after considering the advisory sentencing guideline range and the factors listed in 18 U.S.C. § 3553(a). The parties' agreement herein to any guideline sentencing factors constitutes proof of those factors sufficient to satisfy the applicable burden of proof.
- Restitution:** Defendant agrees to pay full restitution in this case in an amount and on a schedule to be determined by the court, estimated to exceed \$20 million.
- Acceptance of Responsibility:** Defendant must demonstrate to the court that he fully admits and fully accepts responsibility under USSG § 3E1.1 for his unlawful conduct in this case. If defendant does so,

the USAO will recommend a three-level reduction in defendant's offense level (two levels if defendant's offense level is less than 16). The USAO reserves the right to change this recommendation if defendant, between plea and sentencing, commits any new or additional criminal offense, obstructs or attempts to obstruct justice as explained in USSG § 3C1.1, or acts inconsistently with acceptance of responsibility as explained in USSG § 3E1.1.

8. **Guidelines Factors**: The parties agree that the base offense level is 6 under USSG § 2B1.1 (referenced from USSG § 2S1.1(a)(1)). The parties agree that 22 additional levels should be added under USSG § 2B1.1(b)(1)(L) for a loss of more than \$20 million. The parties further agree that 6 additional levels should be added under USSG § 2B1.1(b)(2)(C) because the offense involved 250 or more victims. Finally, the parties agree that 1 additional level should be added under USSG § 2S1.1(b)(2)(A) for a conviction under 18 U.S.C. § 1957. The parties are free to argue that any other guideline adjustments apply.

9. **Joint Sentencing Recommendation**: Pursuant to Rule 11(c)(1)(C), as to the custody portion of the sentence, the parties jointly agree that the appropriate sentence is 72 months' imprisonment. The parties also agree that all other sentencing issues including the appropriate term of supervised release with standard and special conditions will be determined by the court pursuant to Rule 11(c)(1)(B). The parties' sentencing recommendation as to custody is below the advisory guideline range, due to a consideration of factors under 18 U.S.C. § 3553(a). The government agrees not to seek a fine.

10. **Waiver of Appeal/Post-Conviction Relief**: Defendant knowingly and voluntarily waives the right to appeal from any aspect of the conviction and sentence on any grounds, except for a claim that the court imposes a sentence in excess of 72 months. Should defendant seek an appeal, despite this waiver of that right, the USAO may take any position on any issue on appeal. Defendant also waives the right to file any collateral attack, including a motion under 28 U.S.C. § 2255, challenging any aspect of the conviction or sentence on any grounds, except on grounds of ineffective assistance of counsel, and except as provided in Fed. R. Crim. P. 33 and 18 U.S.C. § 3582(c)(2).

11. **Court Bound**: The 72-month custody recommendation in this plea agreement is entered into under FRCrP 11(c)(1)(C). Defendant understands that the court may accept this agreement, reject it, or defer its decision until a presentence report has been prepared. If the court accepts this agreement, the court will be bound to impose a sentence of 72 months' imprisonment. If the court rejects this agreement, defendant shall have the right to withdraw his guilty plea, and the parties shall be free to proceed as if this agreement did not exist. The parties understand that all other sentencing issues including the term and conditions of supervised release are governed by the provisions of FRCrP 11(c)(1)(B) and that the court is not bound by the parties' recommendations with respect to any other aspect of defendant's sentence.

12. **Full Disclosure/Reservation of Rights**: The USAO will fully inform the PSR writer and the court of the facts and law related to defendant's case. Except as set forth in this agreement, the parties reserve all other rights to make sentencing recommendations and to respond to motions and arguments by the opposition.

13. **Breach of Plea Agreement:** If defendant breaches the terms of this agreement, or commits any new criminal offenses between signing this agreement and sentencing, the USAO is relieved of its obligations under this agreement, but defendant may not withdraw any guilty plea.

14. **No Prosecution of Others:** The USAO for the District of Oregon agrees not to bring any criminal charges related to Global Online Direct against Gabrielle Behrmann or Todd Behrmann. With respect to Gabrielle Behrmann, she must agree prior to sentencing to withdraw any claims, defenses, lawsuits, or counterclaims regarding any property or proceeds sought by the receiver (*i.e.*, Michael A. Grassmueck) as of the date of this agreement, including properties sought by the receiver in *Michael A. Grassmueck v. Mary C. Hunter, et al.*, USDC N.D. Ga., Case No. 1:07-CV-2532. Further, prior to sentencing, Gabrielle Behrmann must take all steps necessary to transfer to the receiver the title of any property sought by the receiver as of the date of this agreement. Gabrielle Behrmann must comply with the terms of this paragraph prior to sentencing, or this non-prosecution agreement is void as to her; however, Gabrielle Behrmann's actions or inaction with respect to this paragraph in no way affects the parties' other obligations under this agreement.

15. **Forfeiture:** At sentencing, the government agrees to dismiss the forfeiture allegations in the Information, so long as defendant, prior to sentencing, provides the government and the U.S. Probation Office with complete financial information for purposes of attempting to pay restitution as outlined in paragraph 6. Further, defendant agrees to facilitate the cooperation of all family members to surrender title to any remaining properties sought by the receiver, as discussed in paragraph 14. If the properties sought by the receiver are not surrendered prior to sentencing, the government reserves the right to seek forfeiture (either criminal or civil) of any such properties. Defendant agrees not to file any claim in any forfeiture action related to such properties and to provide full cooperation to the government in any such action.

16. **Total Agreement:** This letter states the full extent of the agreement between the parties. There are no other promises or agreements, express or implied. If defendant accepts this offer, please sign and attach the original of this letter to the Petition to Enter Plea. This offer expires on May 28, 2009, at 4:00 p.m.

Sincerely,

KARIN J. IMMERGUT  
United States Attorney

*/s/ Craig J. Gabriel*

CRAIG J. GABRIEL  
Assistant U.S. Attorney

I hereby freely and voluntarily accept the terms and conditions of this plea offer, after first reviewing and discussing every part of it with my attorney. I am satisfied with the legal assistance provided to me by my attorney. I wish to plead guilty because, in fact, I am guilty.

June 9, 2009  
Date

Bryant E Behrmann  
BRYANT E. BEHRMANN – Defendant

I represent defendant as legal counsel. I have carefully reviewed and discussed every part of this agreement with defendant. To my knowledge defendant's decisions to enter into this agreement and to plead guilty are informed and voluntary ones.

6/9/09  
Date

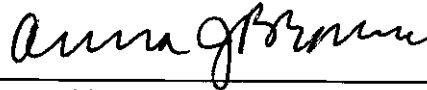
A. Ramfjord  
PER A. RAMFJORD – Attorney for Defendant

**ORDER ENTERING PLEA**

I find that the defendant's plea of GUILTY has been made freely and voluntarily and not out of ignorance, fear, inadvertence or coercion. I further find the defendant has admitted facts that prove each of the necessary elements of the crime(s) to which the defendant has pled guilty.

IT IS THEREFORE ORDERED that the defendant's plea of GUILTY be accepted and entered as requested in this Petition and as recommended in the certificate of defendant's attorney.

DATED this 9th of June, 2009, in open court.



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Honorable Anna J. Brown  
U.S. District Court Judge