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12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

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|----------------------------------|---|----------------------------------|
| 14 UNITED STATES OF AMERICA, |) | Criminal Case No. 07CR0423-LAB |
| |) | |
| 15 Plaintiff, |) | Date: December 3, 2007 |
| |) | Time: 9:30 a.m. |
| 16 v. |) | |
| |) | APPLICATION FOR ORDER SHORTENING |
| 17 THOMAS THEODORE KONTOGIANNIS, |) | TIME AND ORDER THEREON |
| aka Tommy K, |) | |
| 18 |) | |
| |) | |
| 19 Defendant. |) | |

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21 COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel,
22 Karen P. Hewitt, United States Attorney, and Jason A. Forge, Assistant United States Attorney, and
23 hereby moves this Court for an order shortening time in which to file the United States's Sentencing
24 Memorandum.

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11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

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14 UNITED STATES OF AMERICA,) Criminal Case No. 07CR0423-LAB
)

15 Plaintiff,)

16 v.)

DECLARATION OF ASSISTANT UNITED STATES ATTORNEY JASON A. FORGE IN SUPPORT OF ORDER SHORTENING TIME

17 THOMAS THEODORE KONTOGIANNIS,)
18 aka Tommy K,)
Defendant.)

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21 I, JASON A. FORGE, hereby declares, as follows:

22 (1) I am one of the Assistant U.S. Attorneys assigned to investigate and prosecute the cases
23 arising out of the investigation of former Congressman Randall "Duke" Cunningham.

24 (2) On February 23, 2007, defendant Thomas Kontogiannis entered a guilty plea before this
25 Court to a violation of Title 18, United States Code, Section 1957. The factual basis of the guilty plea
26 established that the Specified Unlawful Activity the plea was based upon involved bribes that had been
27 given by Brent Wilkes and Mitch Wade to former Congressman Cunningham.
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1 (3) While defendant was committing these bribery-related offenses, he began what became
2 a massive mortgage/bank fraud and money laundering scheme. One institution alone, Washington
3 Mutual, purchased over \$50 million worth of fraudulent mortgages.

4 (4) During the pre-trial proceedings of coconspirators Brent Wilkes and John Michael, the
5 government first received information suggesting that defendant Kontogiannis was, in fact, still
6 committing federal criminal offenses, including, but not limited to bank fraud in violation of Title 18,
7 United States Code, Section 1344.

8 (5) As part of these proceedings, defense counsel for John Michael obtained various financial
9 documents indicating that Mr. Kontogiannis was – unbeknownst to the government – still continuing
10 his illegal mortgage fraud scheme. In addition, Michael’s defense counsel contacted Washington Mutual
11 to obtain information regarding the fraudulent mortgages that they had purchased from Mr.
12 Kontogiannis.

13 (6) Upon receiving this information, on September 9, 2007, I wrote to Mr. Kontogiannis’s
14 defense counsel in order to “memorialize the government’s firm position regarding the importance of
15 Mr. Kontogiannis’s obligations to obey all laws.” In this letter, I emphasized that the government was
16 reserving all recourse for any post-plea offenses that Mr. Kontogiannis committed.

17 (7) After sending this letter, and as a direct result of being contacted by Michael’s defense
18 counsel, Washington Mutual contacted the government with information regarding Mr. Kontogiannis’s
19 continued illegal activity.

20 (8) Within the past two weeks, we obtained clearer indications that Mr. Kontogiannis was
21 engaged in post-plea illegal activity. Although we had hoped to have sufficient records and declarations
22 to prove this conduct by December 27, 2007, we needed one additional day. Accordingly, we are
23 respectfully requesting that the Court sign the accompanying Order Shortening Time to allow the
24 government to file its Sentencing Memorandum on November 28, 2007.

25 Date: November 28, 2007.

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JASON A. FORGE
Assistant U.S. Attorney

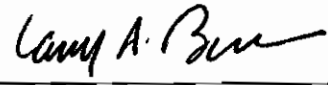
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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|-------------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | Criminal Case No. 07CR0423-LAB |
| |) | |
| Plaintiff, |) | |
| |) | <u>ORDER</u> |
| v. |) | |
| |) | |
| THOMAS THEODORE KONTOGIANNIS, |) | |
| aka Tommy K, |) | |
| |) | |
| Defendant. |) | |

IT HEREBY IS ORDERED that the United States may file its Sentencing Memorandum in the above-captioned matter.

DATE:



HON. LARRY A. BURNS
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 UNITED STATES OF AMERICA,

Case No. 07CR423-LAB

4 Plaintiff

CERTIFICATE OF SERVICE

5 v.

6 THOMAS KONTOGIANNIS,

7 Defendant.
8

9 IT IS HEREBY CERTIFIED THAT:

10 I, , am a citizen of the United States and am at least eighteen years of age. My business address
11 is 880 Front Street, Room 6293, San Diego, California 92101-8893.

12 I am not a party to the above-entitled action. I have caused service of APPLICATION FOR
13 ORDER SHORTENING TIME on the following parties by electronically filing the foregoing with the
Clerk of the District Court using its ECF System, which electronically notifies them.

- 14 1. Colin Murray
15 2. Gregory O'Connell

16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on November 28, 2007.

18 s/ Jason A. Forge
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