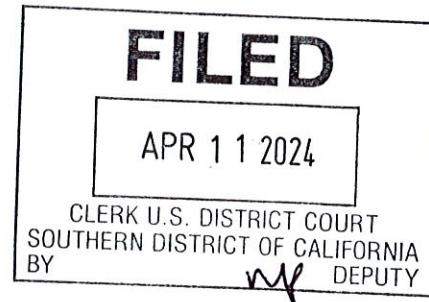


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9
10 UNITED STATES DISTRICT COURT
11
12 SOUTHERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA, Case No. 23CR1202-JLS
14 Plaintiff,
15 v.
16 DOUGLAS WIEDERHOLD,
17 Defendant.

PLEA AGREEMENT

18 IT IS HEREBY AGREED between the plaintiff, UNITED STATES OF
19 AMERICA, through its counsel, Tara K. McGrath., United States Attorney,
20 and Alexandra F. Foster and John N. Parmley, Assistant United States
21 Attorneys, and Defendant Douglas Wiederhold, with the advice and consent
22 of Patrick Griffin, counsel for Defendant, as follows:

23 I

24 THE PLEA

25 Defendant agrees to plead guilty to an Information charging
26 Defendant with Conspiracy to Commit an Offense Against the United
27 States, in violation of Title 18, United States Code, § 371, to wit:
28 Sex Trafficking by Force, Fraud and Coercion, in violation of Title 18,
United States Code, § 1591.

Plea Agreement

Def. Initials JP
23CR1202-JLS

1 The Government agrees to (1) move to dismiss the remaining charges
2 without prejudice when Defendant is sentenced, and (2) not prosecute
3 Defendant thereafter on such dismissed charges unless Defendant
4 breaches the plea agreement or the guilty plea entered pursuant to this
5 plea agreement is set aside for any reason. If Defendant breaches this
6 agreement or the guilty plea is set aside, section XII below shall
7 apply.

II

NATURE OF THE OFFENSE

A. ELEMENTS EXPLAINED

11 The offense to which Defendant is pleading guilty has the following
12 elements:

13 1. Beginning on an unknown date, but no later than January 2011,
14 and continuing through an unknown date, but no earlier than March 2012,
15 there was an agreement between two or more persons to engage in Sex
16 Trafficking by Force, Fraud and Coercion, in violation of Title 18,
17 United States Code, Section 1591.

18 2. The defendant became a member of the conspiracy knowing at
19 least one of its objects and intending to help accomplish it.

20 3. One of the members of the conspiracy performed at least one
21 overt act for the purpose of carrying out the conspiracy.

B ELEMENTS UNDERSTOOD AND ADMITTED - FACTUAL BASIS

23 Defendant has fully discussed the facts of this case with defense
24 counsel. Defendant has committed each element of the crime and admits
25 that there is a factual basis for this guilty plea. The following facts
26 are true and undisputed:

1. From at least January 2011 through at least March 2012,
2. Defendant participated in a conspiracy with Michael
3. James Pratt to recruit young adult women to engage in
4. commercial sex acts using force, fraud or coercion.
5. Pratt was the owner and operator of the pornography
6. website girlsdoporn.com. Girlsdoporn.com featured sex
7. videos of young adult women appearing in their first
8. pornographic video. Girlsdoporn.com charged visitors a
9. subscription fee to access the website's content.
10. Defendant did not recruit, but he knew that Pratt
11. recruited women from all over the United States to appear
12. in these videos. If the women lived far from San Diego,
13. Pratt would book travel and pay for these women to fly
14. to San Diego for their video shoot. Pratt would also pay
15. for the hotels or short term rentals in San Diego where
16. the video shoots would occur.
17. Sometimes Defendant would travel with Pratt to pick the
18. young women up at the airport and drive them to the
19. location of the video shoots.
20. The young adult women were paid by Pratt to perform sex
21. acts with Defendant. Pratt was the camera operator;
22. Pratt also directed the video shoots.
23. Defendant was employed as the male model in the
24. girlsdoporn.com videos from at least January 2011
25. through at least March 2012. Pratt paid Defendant to
26. perform sex acts with the women.

1 7. Defendant was in approximately 71 girlsdoporn.com videos
2 as the male actor. All of the videos depicted young women
3 performing oral, vaginal and sometimes anal sexual
4 activity with Defendant.

5 8. Pratt instructed Defendant on what to tell the women.
6 Pratt told Defendant that, if asked, Defendant should
7 tell the women that the videos would not be posted on
8 the internet. Instead, Pratt instructed Defendant to
9 tell the women that the videos were only going onto a
10 DVD to a collector in a foreign country, or posted to
11 VHS for a small number of viewers in Australia. Defendant
12 knew that Pratt made his money by posting the videos
13 onto girlsdoporn.com, where the videos were publicly
14 available on the internet to anyone willing to pay a
15 fee. Defendant also knew that Pratt was posting snippets
16 of the videos to Pornhub and other porn website to drive
17 traffic to girlsdoporn.com.

18 9. Even after learning that the sex videos were being posted
19 on the internet, Defendant falsely assured at least two
20 women that the videos would not be posted publicly.
21 Further, Defendant stood by while Pratt provided false
22 assurances to the women that their videos would not be
23 posted on the internet. After the assurances were made,
24 Defendant would act in the pornographic videos with the
25 women.

26 //

27 //

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III

PENALTIES

The crimes to which Defendant is pleading guilty carries the following penalties:

- A. a maximum 5 years in prison;
- B. a maximum \$250,000 fine;
- C. a mandatory special assessment of \$100 per count;
- D. a maximum term of supervised release of 3 years. Defendant understands that failure to comply with any of the conditions of supervised release may result in revocation of supervised release, requiring defendant to serve in prison, upon any such revocation, all or part of the statutory maximum term of supervised release for the offense that resulted in such term of supervised release.

IV

**DEFENDANT'S WAIVER OF TRIAL RIGHTS AND
UNDERSTANDING OF CONSEQUENCES**

This guilty plea waives Defendant's right at trial to:

- A. Continue to plead not guilty and require the Government to prove the elements of the crime beyond a reasonable doubt;
- B. A speedy and public trial by jury;
- C. The assistance of counsel at all stages;
- D. Confront and cross-examine adverse witnesses;
- E. Testify and present evidence and to have witnesses testify on behalf of Defendant; and,
- F. Not testify or have any adverse inferences drawn from the failure to testify.

V

DEFENDANT ACKNOWLEDGES NO PRETRIAL RIGHT TO BE
PROVIDED WITH IMPEACHMENT AND AFFIRMATIVE DEFENSE INFORMATION

3 Any information establishing the factual innocence of Defendant
4 known to the undersigned prosecutor in this case has been turned over
5 to Defendant. The Government will continue to provide such information
6 establishing the factual innocence of Defendant.

If this case proceeded to trial, the Government would be required to provide impeachment information for its witnesses. In addition, if Defendant raised an affirmative defense, the Government would be required to provide information in its possession that supports such a defense. By pleading guilty Defendant will not be provided this information, if any, and Defendant waives any right to this information. Defendant will not attempt to withdraw the guilty plea or to file a collateral attack based on the existence of this information.

VI

DEFENDANT'S REPRESENTATION THAT GUILTY
PLEA IS KNOWING AND VOLUNTARY

18 Defendant represents that:

19 A. Defendant has had a full opportunity to discuss all the facts
20 and circumstances of this case with defense counsel and has
21 a clear understanding of the charges and the consequences of
22 this plea. By pleading guilty, Defendant may be giving up,
23 and rendered ineligible to receive, valuable government
24 benefits and civic rights, such as the right to vote, the
25 right to possess a firearm, the right to hold office, and the
right to serve on a jury. The conviction in this case may
subject Defendant to various collateral consequences,
including but not limited to revocation of probation, parole,
or supervised release in another case; debarment from
government contracting; and suspension or revocation of a
professional license, none of which can serve as grounds to
withdraw Defendant's guilty plea.

26 B. No one has made any promises or offered any rewards in return
27 for this guilty plea, other than those contained in this
agreement or otherwise disclosed to the Court.

- C. No one has threatened Defendant or Defendant's family to induce this guilty plea.
- D. Defendant is pleading guilty because Defendant is guilty and for no other reason.

VII

AGREEMENT LIMITED TO U. S. ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF CALIFORNIA

This plea agreement is limited to the United States Attorney's
7 Office for the Southern District of California, and cannot bind any
8 other authorities in any type of matter, although the Government will
9 bring this plea agreement to the attention of other authorities if
10 requested by Defendant.

VIII

APPLICABILITY OF SENTENCING GUIDELINES

The sentence imposed will be based on the factors set forth in 18 U.S.C. § 3553(a). In imposing the sentence, the sentencing judge must consult the United States Sentencing Guidelines (Guidelines) and take them into account. Defendant has discussed the Guidelines with defense counsel and understands that the Guidelines are only advisory, not mandatory. The Court may impose a sentence more severe or less severe than otherwise applicable under the Guidelines, up to the maximum in the statute of conviction. The sentence cannot be determined until a presentence report is prepared by the U.S. Probation Office and defense counsel and the Government have an opportunity to review and challenge the presentence report. Nothing in this plea agreement limits the Government's duty to provide complete and accurate facts to the district court and the U.S. Probation Office.

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11

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IX2
SENTENCE IS WITHIN SOLE DISCRETION OF JUDGE

3 This plea agreement is made pursuant to Federal Rule of Criminal
 4 Procedure 11(c)(1)(B). The sentence is within the sole discretion of
 5 the sentencing judge who may impose the maximum sentence provided by
 6 statute. It is uncertain at this time what Defendant's sentence will
 7 be. The Government has not made and will not make any representation
 8 about what sentence Defendant will receive. Any estimate of the probable
 9 sentence by defense counsel is not a promise and is not binding on the
 10 Court. Any recommendation by the Government at sentencing also is not
 11 binding on the Court. If the sentencing judge does not follow any of
 12 the parties' sentencing recommendations, Defendant will not withdraw
 13 the plea.

14
X15
PARTIES' SENTENCING RECOMMENDATIONS16
A. SENTENCING GUIDELINE CALCULATIONS

17 Although the Guidelines are only advisory and just one factor the
 18 Court will consider under 18 U.S.C. § 3553(a) in imposing a sentence,
 19 the parties will jointly recommend the following Base Offense Level,
 20 Specific Offense Characteristics, Adjustments, and Departures:

21	1. Base Offense Level [§ 2G1.1]	34
22	2. Minor Role [§ 3B1.1]	-4
23	3. Acceptance of Responsibility [§ 3E1.1]	-3

24
B. ACCEPTANCE OF RESPONSIBILITY

25 Despite paragraph A above, the Government need not recommend an
 26 adjustment for Acceptance of Responsibility if Defendant engages in
 27 conduct inconsistent with acceptance of responsibility including, but
 28 not limited to, the following:

- 1 1. Fails to truthfully admit a complete factual basis as
- 2 stated in the plea at the time the plea is entered, or
- 3 falsely denies, or makes a statement inconsistent with,
- 4 the factual basis set forth in this agreement;
- 5 2. Falsey denies prior criminal conduct or convictions;
- 6 3. Is untruthful with the Government, the Court or
- 7 probation officer; or
- 8 4. Breaches this plea agreement in any way.

9

10 C. FURTHER ADJUSTMENTS AND SENTENCE REDUCTIONS INCLUDING THOSE
18 U.S.C. § 3553

11 Defendant may request or recommend additional downward
12 adjustments, departures, or variances from the Sentencing Guidelines
13 under 18 U.S.C. § 3553. The Government will oppose any downward
14 adjustments, departures, or variances not set forth in Section X,
15 paragraph A above.

16 D. NO AGREEMENT AS TO CRIMINAL HISTORY CATEGORY

17 The parties have **no** agreement as to Defendant's Criminal History
18 Category.

19 E. "FACTUAL BASIS" AND "RELEVANT CONDUCT" INFORMATION

20 The facts in the "factual basis" paragraph of this agreement are
21 true and may be considered as "relevant conduct" under USSG § 1B1.3 and
22 as the nature and circumstances of the offense under 18 U.S.C.
23 § 3553(a)(1).

24 F. PARTIES' RECOMMENDATIONS REGARDING CUSTODY

25 The Government will recommend that Defendant be sentenced to the
26 low end of the advisory guideline range as calculated by the Government.

27 //

G. SPECIAL ASSESSMENTS/FINE/RESTITUTION

1. Special Assessments

3 The parties will jointly recommend that Defendant pay a special
4 assessment in the amount of \$100.00 per felony count of conviction.

2. Fine

6 The parties will not recommend imposition of a fine.

3. Restitution

8 An order of restitution may be ordered in an amount determined by
9 the court.

H. SUPERVISED RELEASE

If the Court imposes a term of supervised release, Defendant will not seek to reduce or terminate early the term of supervised release until Defendant has served at least 2/3 of the term of supervised release and has fully paid and satisfied any special assessments, fine, criminal forfeiture judgment, and restitution judgment.

xi

DEFENDANT WAIVES APPEAL AND COLLATERAL ATTACK

18 Defendant waives (gives up) all rights to appeal and to
19 collaterally attack every aspect of the conviction and sentence. This
20 waiver includes, but is not limited to, any argument that the statute
21 of conviction or Defendant's prosecution is unconstitutional and any
22 argument that the facts of this case do not constitute the crime
23 charged. The only exception is that Defendant may collaterally attack
24 the conviction or sentence on the basis that Defendant received
25 ineffective assistance of counsel. If Defendant appeals, the Government
26 may support on appeal the sentence or restitution order actually
27 imposed.

XII

BREACH OF THE PLEA AGREEMENT

3 Defendant and Defendant's attorney know the terms of this agreement
4 and shall raise, before the sentencing hearing is complete, any claim
5 that the Government has not complied with this agreement. Otherwise,
6 such claims shall be deemed waived (that is, deliberately not raised
7 despite awareness that the claim could be raised), cannot later be made
8 to any court, and if later made to a court, shall constitute a breach
9 of this agreement.

10 Defendant breaches this agreement if Defendant violates or fails
11 to perform any obligation under this agreement. The following are non-
12 exhaustive examples of acts constituting a breach:

1. Failing to plead guilty pursuant to this agreement;
2. Failing to fully accept responsibility as established in Section X, paragraph B, above;
3. Failing to appear in court;
4. Attempting to withdraw the plea;
5. Failing to abide by any court order related to this case;
6. Appealing (which occurs if a notice of appeal is filed) or collaterally attacking the conviction or sentence in violation of Section XI of this plea agreement; or
7. Engaging in additional criminal conduct from the time of arrest until the time of sentencing.

24 If Defendant breaches this plea agreement, Defendant will not be
25 able to enforce any provisions, and the Government will be relieved of
26 all its obligations under this plea agreement. For example, the
27 Government may proceed to sentencing but recommend a different sentence

1 than what it agreed to recommend above. Or the Government may pursue
2 any charges including those that were dismissed, promised to be
3 dismissed, or not filed as a result of this agreement (Defendant agrees
4 that any statute of limitations relating to such charges is tolled
5 indefinitely as of the date all parties have signed this agreement;
6 Defendant also waives any double jeopardy defense to such charges). In
7 addition, the Government may move to set aside Defendant's guilty plea.
8 Defendant may not withdraw the guilty plea based on the Government's
9 pursuit of remedies for Defendant's breach.

10 Additionally, if Defendant breaches this plea agreement: (i) any
11 statements made by Defendant, under oath, at the guilty plea hearing
12 (before either a Magistrate Judge or a District Judge); (ii) the factual
13 basis statement in Section II.B in this agreement; and (iii) any
14 evidence derived from such statements, are admissible against Defendant
15 in any prosecution of, or any action against, Defendant. This includes
16 the prosecution of the charge(s) that is the subject of this plea
17 agreement or any charge(s) that the prosecution agreed to dismiss or
18 not file as part of this agreement, but later pursues because of a
19 breach by the Defendant. Additionally, Defendant knowingly,
20 voluntarily, and intelligently waives any argument that the statements
21 and any evidence derived from the statements should be suppressed,
22 cannot be used by the Government, or are inadmissible under the United
23 States Constitution, any statute, Rule 410 of the Federal Rules of
24 Evidence, Rule 11(f) of the Federal Rules of Criminal Procedure, and
25 any other federal rule.

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27 //

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XIII

CONTENTS AND MODIFICATION OF AGREEMENT

3 This plea agreement embodies the entire agreement between the
4 parties and supersedes any other agreement, written or oral. No
5 modification of this plea agreement shall be effective unless in writing
6 signed by all parties.

xiv

DEFENDANT AND COUNSEL FULLY UNDERSTAND AGREEMENT

9 By signing this agreement, Defendant certifies that Defendant has
10 read it (or that it has been read to Defendant in Defendant's native
11 language). Defendant has discussed the terms of this agreement with
12 defense counsel and fully understands its meaning and effect.

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1 XV
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3 **DEFENDANT SATISFIED WITH COUNSEL**
4

5 Defendant has consulted with counsel and is satisfied with
6 counsel's representation. This is Defendant's independent opinion, and
7 Defendant's counsel did not advise Defendant about what to say in this
8 regard.

9 TARA K. MCGRATH
10 United States Attorney



11 ALEXANDRA F. FOSTER
12 JOHN N. PARMLEY
13 Assistant U.S. Attorneys



14 PATRICK GRIFFIN
15 Defense Counsel

16 04/02/2024
17 DATED

18 3-29-24
19 DATED

20 IN ADDITION TO THE FOREGOING PROVISIONS TO WHICH I AGREE, I SWEAR UNDER
21 PENALTY OF PERJURY THAT THE FACTS IN THE "FACTUAL BASIS" SECTION ABOVE
22 ARE TRUE.

23 3-29-24
24 DATED



25 DOUGLAS WIEDERHOLD
26 Defendant