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IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 02-142-A
	)	
ABDILLAH S. ABDI,	)	
	)	
Defendant.	)	

PLEA AGREEMENT

Paul J. McNulty, United States Attorney for the Eastern District of Virginia, and Gordon D. Kromberg and Neil Hammerstrom, Jr., Assistant United States Attorneys, and the defendant, ABDILLAH S. ABDI, and his counsel, C. Dean Latsios, pursuant to Rule 11(e) of the Federal Rules of Criminal Procedure, have entered into an agreement, the terms and conditions of which are as follows:

. The defendant, ABDILLAH S. ABDI, agrees to plead guilty to Count One of the pending eight-count indictment. Count One charges the defendant with conspiracy to structure financial transactions in order to evade reporting requirement, in violation of Title 31, United States Code, Sections 5322 and 5324, and Title 18, United States Code, Section 371. The maximum penalty for this offense is a term of imprisonment of 5 years, a fine of $250,000, a special assessment, and 3 years of supervised release. The defendant is aware that this supervised release term is in addition to any prison term he may receive, and that a violation of a term of supervised release could result in the defendant being returned to prison for the full term of supervised release.

. Before sentencing in this case, the defendant agrees to pay a mandatory special assessment of one hundred dollars ($100.00) per count of conviction.

. Restitution does not appear to be applicable in this case.

. The defendant is aware that his sentence will be imposed in accordance with the Sentencing Guidelines and Policy Statements. The defendant is aware that the Court has jurisdiction and authority to impose any sentence within the statutory maximum set for the

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offense(s) to which he pleads guilty. The defendant is aware that the Court has not yet determined a sentence. The defendant is also aware that any estimate of the probable sentencing range under the sentencing guidelines that he may have received from his counsel, the United States, or the probation office, is a prediction, not a promise, and is not binding on the United States, the probation office, or the Court. The United States makes no promise or representation concerning what sentence the defendant will receive, and the defendant cannot withdraw a guilty plea based upon the actual sentence. The defendant is aware that Title 18, United States Code, Section 3742 affords a defendant the right to appeal the sentence imposed. Acknowledging all this, the defendant knowingly waives the right to appeal any sentence within the maximum provided in the statute(s) of conviction (or the manner in which that sentence was determined) on the grounds set forth in Title 18, United States Code, Section 3742 or on any ground whatever, in exchange for the concessions made by the United States in this plea agreement. This agreement does not affect the rights or obligations of the United States as set forth in Title 18, United States Code, Section 3742(b). Notwithstanding any other provision of this agreement, the defendant does not waive any right to appeal a determination of the appropriate sentencing offense level pursuant to the Specific Offense Characteristics of U.S.S.G § 2S1.3(b).

. The United States will not further criminally prosecute defendant in the Eastern District of Virginia for the specific conduct described in the criminal information or statement of facts. Therefore, defendant does not have immunity for crimes related to, but not specifically set out in the criminal information or statement of facts. After the Court's acceptance of this plea, the United States will move to dismiss the remaining counts of the indictment against this defendant. Except where specifically noted, this plea agreement binds only the United States Attorney's Office for the Eastern District of Virginia and the defendant; it does not bind any other prosecutor in any other jurisdiction. The United States will not oppose the awarding of acceptance of responsibility points on the grounds that the plea was not entered early enough.

. The accompanying Statement of Facts signed by the defendant is hereby incorporated into this plea agreement. Defendant adopts the Statement of Facts and agrees that the facts therein

are accurate in every respect and that had the matter proceeded to trial, the United States would have proved those facts beyond a reasonable doubt.

. The defendant agrees to identify all assets over which he exercises or exercised control, directly or indirectly, or in which he has or had during that time any financial interest. The defendant agrees to forfeit all interests in property that is traceable to, derived from, fungible with, or a substitute for property that constitutes the proceeds of his offense, including the following: $29,422 seized on November 7, 2001, from the premises of Al-Barakat Rage Associates at 4810 Beauregard Street, Alexandria, Virginia.

. The defendant agrees to cooperate with the Internal Revenue Service in filing true and correct tax returns for the years 2000 through 2001 and to pay all taxes, interest and penalties for any years due within a reasonable time in accordance with a plan to be devised by the Probation Office.

. The defendant also agrees to make all books, records and documents available to the Internal Revenue Service for use in computing defendant's taxes, interest and penalties for tax years 2000 through 2001.

. If the defendant fails in any way to fulfill completely all of the obligations under this plea agreement, the United States may seek release from any or all its obligations under this plea agreement.

. If the defendant fails to fulfill the obligations under this plea agreement, he shall assert no claim under the United States Constitution, any statute, Rule 410 of the Federal Rules of Evidence, Rule 11(e)(6) of the Federal Rules of Criminal Procedure, or any other federal rule, that his statements pursuant to this agreement or any leads derived therefrom, should be suppressed or are inadmissible.

. Any alleged breach of this agreement by either party shall be determined by the Court in an appropriate proceeding at which the defendant's disclosures and documentary evidence shall be admissible and at which the moving party shall be required to establish a breach of the plea agreement by a preponderance of the evidence. The proceeding established by this paragraph does not apply, however, to the United States' decision whether to file a motion based on

"substantial assistance" as that phrase is used in Rule 35(b) of the Federal Rules of Criminal Procedure and Section 5K1.1 of the Sentencing Guidelines and Policy Statements. The defendant agrees that the decision whether to file such a motion rests in the United States' sole discretion.

. The defendant hereby waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act, 5 U.S.C. § 552a.

. This written agreement constitutes the complete plea agreement between the United States, the defendant, and his counsel. The United States has made no promises or representations except as set forth in writing in this plea agreement. The defendant acknowledges that no threats have been made against him and that he is pleading guilty, freely and voluntarily, because he is guilty. Any modification of this plea agreement shall be valid only as set forth in writing in a supplemental or revised plea agreement signed by all parties.

. Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all rights with respect to the pending indictment. Further, I fully understand all rights with respect to the provisions of the Sentencing Guidelines and Policy Statements which may apply in my case. I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand this agreement and I voluntarily agree to it.

Date: _____

ABDILLAH S. ABDI
Defendant

. Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant his rights with respect to the pending indictment. Further, I have reviewed the provisions of the Sentencing Guidelines and Policy Statements and I have fully explained to the defendant the provisions of those Guidelines which may apply in this case. I

have carefully reviewed every part of this plea agreement with the defendant. To my knowledge, the defendant's decision to enter into this agreement is an informed and voluntary one.

Date: _____

C. Dean Latsios
Counsel for Defendant

Respectfully submitted,

Paul J. McNulty
United States Attorney

By: _____
Gordon D. Kromberg
Neil Hammerstrom, Jr.
Assistant United States Attorneys

APPROVED:

_____ Date: _____
Justin W. Williams
Assistant United States Attorney
Chief, Criminal Division

[redacted]