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9 Attorneys for Applicant
UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 VALLMOE SHQAIRE,
16 aka "Mohamad Shqaire,"
17 aka "Mahmad Hadr Mahmad
Shakir,"

18 Defendant.

No. CR 18-656-JFW

PLEA AGREEMENT FOR DEFENDANT
VALLMOE SHQAIRE

19
20 1. This constitutes the plea agreement between VALLMOE SHQAIRE
21 ("defendant") and the United States Attorney's Office for the Central
22 District of California (the "USAO") in in the above-captioned case.
23 This agreement is limited to the USAO and cannot bind any other
24 federal, state, local, or foreign prosecuting, enforcement,
25 administrative, or regulatory authorities.

26 DEFENDANT'S OBLIGATIONS

27 2. Defendant agrees to:
28

1 a. At the earliest opportunity requested by the USAO and
2 provided by the Court, appear and plead guilty to count one of the
3 indictment in United States v. VALLMOE SHQAIRE, CR No. 18-656-JFW,
4 which charges defendant with Unlawful Procurement of Naturalization
5 in violation of 18 U.S.C. § 1425(a).

6 b. Not contest facts agreed to in this agreement.

7 c. Abide by all agreements regarding sentencing contained
8 in this agreement.

9 d. Appear for all court appearances, surrender as ordered
10 for service of sentence, obey all conditions of any bond, and obey
11 any other ongoing court order in this matter.

12 e. Not commit any crime; however, offenses that would be
13 excluded for sentencing purposes under United States Sentencing
14 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
15 within the scope of this agreement.

16 f. Be truthful at all times with Pretrial Services, the
17 United States Probation Office, and the Court.

18 g. Pay the applicable special assessment at or before the
19 time of sentencing unless defendant lacks the ability to pay and
20 prior to sentencing submits a completed financial statement on a form
21 to be provided by the USAO.

22 h. Prior to the time of sentencing, stipulate to a
23 proposed order of judicial removal pursuant to 8 U.S.C. §§ 1228(c)(5)
24 and 1227, or similar, which would permit the Court to order that
25 defendant be removed from the United States to Jordan.

26 i. Defendant agrees that he is deportable under the
27 immigration laws of the United States and waives the right to notice
28 and a hearing prior to deportation. Defendant agrees pursuant to

1 Title 8, United States Code, Section 1228(c)(5), to enter into and
2 agree to the stipulation and proposed order set forth in Attachment A
3 attached hereto, or a substantially similar stipulation and proposed
4 order, seeking a judicial order of removal from the United States.

5 j. Defendant further agrees to never return to the United
6 States, without approval from the Attorney General of the United
7 States or the Secretary of the United States Department of Homeland
8 Security, or to seek to obtain any visas, legal status, or other
9 immigration benefits from the United States.

10 k. Defendant further agrees to assist the Department of
11 Homeland Security, Immigration and Customs Enforcement ("DHS-ICE") in
12 the execution of his removal. Specifically, defendant agrees to
13 assist DHS-ICE in the procurement of any travel or other documents
14 necessary for defendant's removal; to meet with and to cooperate with
15 representatives of the country or countries to which defendant's
16 removal is directed; and, to execute those forms, applications, or
17 waivers needed to execute or expedite defendant's removal. Defendant
18 acknowledges that he understands that his failure or refusal to
19 assist DHS-ICE in the execution of his removal shall breach his plea
20 agreement and may subject defendant to criminal penalties under
21 Title 8, United States Code, Section 1253.

22 THE USAO'S OBLIGATIONS

23 3. The USAO agrees to:

24 a. Not contest facts agreed to in this agreement.

25 b. Abide by all agreements regarding sentencing contained
26 in this agreement.

27 c. At the time of sentencing, provided that defendant
28 demonstrates an acceptance of responsibility for the offense up to

1 and including the time of sentencing, recommend a two-level reduction
2 in the applicable Sentencing Guidelines offense level, pursuant to
3 U.S.S.G. § 3E1.1.

4 d. At the time of sentencing, advise the Court regarding
5 the nature of the benefit to the United States that defendant has
6 stipulated to a proposed order of judicial removal pursuant to 8
7 U.S.C. §§ 1228(c)(5) and 1227.

8 e. Not to seek a sentence of imprisonment above the high
9 end of the applicable Sentencing Guidelines range.

10 NATURE OF THE OFFENSE

11 4. Defendant understands that for defendant to be guilty of
12 the crime charged in count one that is, Unlawful Procurement of
13 Naturalization in violation of Title 18, United States Code, Section
14 1425(a), the following must be true: (1) defendant knowingly
15 procured naturalization; (2) defendant knowingly made a material
16 misrepresentation on, or omitted material information from, his
17 naturalization application; and (3) as a result of the material
18 misrepresentation(s) or omission(s), defendant procured
19 naturalization, contrary to law.

20 PENALTIES

21 5. Defendant understands that the statutory maximum sentence
22 that the Court can impose for a violation of Title 18, United States
23 Code, Section 1425(a) is: 10 years' imprisonment; a three-year period
24 of supervised release; a fine of \$250,000 or twice the gross gain or
25 gross loss resulting from the offense, whichever is greatest; and a
26 mandatory special assessment of \$100.

27 6. Defendant understands that supervised release is a period
28 of time following imprisonment during which defendant will be subject

1 to various restrictions and requirements. Defendant understands that
2 if defendant violates one or more of the conditions of any supervised
3 release imposed, defendant may be returned to prison for all or part
4 of the term of supervised release authorized by statute for the
5 offense that resulted in the term of supervised release, which could
6 result in defendant serving a total term of imprisonment greater than
7 the statutory maximum stated above.

8 7. Defendant understands that, by pleading guilty, defendant
9 may be giving up valuable government benefits and valuable civic
10 rights, such as the right to vote, the right to possess a firearm,
11 the right to hold office, and the right to serve on a jury.
12 Defendant understands that once the Court accepts defendant's guilty
13 plea, it will be a federal felony for defendant to possess a firearm
14 or ammunition. Defendant understands that the conviction in this
15 case may also subject defendant to various other collateral
16 consequences, including but not limited to revocation of probation,
17 parole, or supervised release in another case and suspension or
18 revocation of a professional license. Defendant understands that
19 unanticipated collateral consequences will not serve as grounds to
20 withdraw defendant's guilty plea.

21 8. Defendant understands that his plea of guilty to count one
22 (a violation of Title 18, United States Code, Section 1425(a)) will
23 result in the revocation, setting aside, and voiding of defendant's
24 United States citizenship, and the cancellation of defendant's
25 certificate of naturalization.

26 9. Defendant understands that, when defendant's United States
27 citizenship is revoked, set aside, and voided as a result of his
28

1 conviction, his conviction in this case may subject defendant to
2 removal, also known as deportation.

3 10. Defendant understands that, as set out further in paragraph
4 2 and Attachment A, by entering into this plea agreement, he agrees
5 to the entry of a judicial removal order that will result in his
6 deportation. Defendant further understands, as set out in paragraph
7 2 and Attachment A, that, in addition to agreeing to the entry of a
8 judicial removal order, he is agreeing not to return to the United
9 States, without approval from the Attorney General of the United
10 States or the Secretary of the United States Department of Homeland
11 Security, or to seek to obtain any visas, legal status, or other
12 immigration benefits from the United States. Defendant understands
13 that, even absent the entry of a judicial removal order, the felony
14 conviction in this case may subject defendant to: revocation and
15 voiding of citizenship; removal, also known as deportation, which
16 may, under some circumstances, be mandatory; and denial of admission
17 to the United States in the future. The Court cannot, and
18 defendant's attorney also may not be able to, advise defendant fully
19 regarding the immigration consequences of the felony conviction in
20 this case. Defendant understands that by entering his guilty plea
21 defendant waives any claim that unexpected immigration consequences
22 render defendant's guilty plea invalid or serve as grounds to
23 withdraw defendant's guilty plea.

24 FACTUAL BASIS

25 11. Defendant admits that defendant is, in fact, guilty of the
26 offense to which defendant is agreeing to plead guilty. Defendant
27 and the USAO agree to the statement of facts provided below and agree
28 that this statement of facts is sufficient to support a plea of

1 guilty to the charge described in this agreement and to establish the
2 Sentencing Guidelines factors set forth in paragraph 13 below but is
3 not meant to be a complete recitation of all facts relevant to the
4 underlying criminal conduct or all facts known to either party that
5 relate to that conduct.

6 On October 7, 2008, defendant was interviewed by an Immigration
7 Services Officer with United States Citizenship and Immigration
8 Services (USCIS) in connection with defendant's Application for
9 Naturalization, or Form N-400. The Immigration Services Officer was
10 competent to administer oaths in connection with immigration
11 applications. Defendant, after being placed under oath, willfully
12 and knowingly and contrary to such oath, deliberately testified to
13 material matters that were not true and that he did not believe to be
14 true.

15 Specifically, defendant swore under oath and affirmed under
16 penalty of perjury the material false statements he had made in his
17 Form N-400, including at least the following: (1) that defendant was
18 never arrested for or convicted of a crime or served time in prison
19 or jail; (2) that defendant had never been a member of or associated
20 with any organization, association, fund, foundation, party, club,
21 society or similar group in the United States or in any other place;
22 and (3) that defendant had never given false or misleading
23 information to any U.S. government official while applying for any
24 immigration benefit or to prevent deportation, exclusion, or removal.
25 As a result of these materially false statements, defendant procured
26 United States citizenship contrary to law.

27 Each of these statements was false because, as defendant then
28 well knew, the following facts were true: (1) defendant was arrested,

1 charged, convicted, and served a prison sentence in Israel for, *inter*
2 *alia*, being a member of the Palestinian Liberation Organization
3 ("PLO"), conspiring with others to place an improvised explosive
4 device on an Israeli bus on December 11, 1988, with the intent to
5 cause death or injury, and assaulting persons suspected of
6 cooperating with the Israelis; (2) defendant was a member of the
7 "Shabiba" cell of the PLO, an informal group that supported the PLO;
8 and (3) defendant gave false and misleading information to a
9 government official in connection with his June 5, 2002 application
10 to become a Lawful Permanent Residence by not admitting his prior
11 arrest, conviction, prison sentence and PLO membership to USCIS.

12 SENTENCING FACTORS

13 12. Defendant understands that in determining defendant's
14 sentence the Court is required to calculate the applicable Sentencing
15 Guidelines range and to consider that range, possible departures
16 under the Sentencing Guidelines, and the other sentencing factors set
17 forth in 18 U.S.C. § 3553(a). Defendant understands that the
18 Sentencing Guidelines are advisory only, that defendant cannot have
19 any expectation of receiving a sentence within the calculated
20 Sentencing Guidelines range, and that after considering the
21 Sentencing Guidelines and the other § 3553(a) factors, the Court will
22 be free to exercise its discretion to impose any sentence it finds
23 appropriate up to the maximum set by statute for the crime of
24 conviction.

25 13. Defendant and the USAO agree to the following applicable
26 Sentencing Guidelines factors:

27 Base Offense Level: 8 U.S.S.G. § 2L2.2
28

Adjusted Offense Level Based
on Specific Offense
Characteristics:

13 U.S.S.G. § 2L2.2(b)(4)(A)¹

Acceptance of Responsibility: -2

U.S.S.G. § 3E1.1(a)

Total Offense Level: 11

The USAO will agree to a two-level downward adjustment for acceptance of responsibility only if the conditions set forth in paragraph 2 are met and if defendant has not committed, and refrains from committing, acts constituting obstruction of justice within the meaning of U.S.S.G. § 3C1.1, as discussed below. Subject to paragraph 26 defendant and the USAO agree not to seek, argue, or suggest in any way, either orally or in writing, that any other specific offense characteristics, adjustments, or departures relating to the offense level be imposed. Defendant agrees, however, that if, after signing this agreement but prior to sentencing, defendant were to commit an act, or the USAO were to discover a previously undiscovered act committed by defendant prior to signing this agreement, which act, in the judgment of the USAO, constituted obstruction of justice within the meaning of U.S.S.G. § 3C1.1, the USAO would be free to seek the enhancement set forth in that section and to argue that defendant is not entitled to a downward adjustment for acceptance of responsibility under U.S.S.G. § 3E1.1.

¹ U.S.S.G. § 2L2.2(4)(A) provides, "If the defendant committed any part of the instant offense to conceal the defendant's membership in, or authority over, a military, paramilitary, or police organization that was involved in a serious human rights offense during the period in which the defendant was such a member or had such authority increase by 2 levels. If the resulting offense is less than 13, increase to level 13." (Emphasis original).

1 14. Defendant understands that there is no agreement as to
2 defendant's criminal history or criminal history category.

3 15. Defendant and the USAO reserve the right to argue for a
4 sentence outside the sentencing range established by the Sentencing
5 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
6 (a)(2), (a)(3), (a)(6), and (a)(7).

7 WAIVER OF CONSTITUTIONAL RIGHTS

8 16. Defendant understands that by pleading guilty, defendant
9 gives up the following rights:

10 a. The right to persist in a plea of not guilty.

11 b. The right to a speedy and public trial by jury.

12 c. The right to be represented by counsel -- and if
13 necessary have the Court appoint counsel -- at trial. Defendant
14 understands, however, that, defendant retains the right to be
15 represented by counsel -- and if necessary have the Court appoint
16 counsel -- at every other stage of the proceeding.

17 d. The right to be presumed innocent and to have the
18 burden of proof placed on the government to prove defendant guilty
19 beyond a reasonable doubt.

20 e. The right to confront and cross-examine witnesses
21 against defendant.

22 f. The right to testify and to present evidence in
23 opposition to the charges, including the right to compel the
24 attendance of witnesses to testify.

25 g. The right not to be compelled to testify, and, if
26 defendant chose not to testify or present evidence, to have that
27 choice not be used against defendant.

1 h. Any and all rights to pursue any affirmative defenses,
2 Fourth Amendment or Fifth Amendment claims, and other pretrial
3 motions that have been filed or could be filed.

4 WAIVER OF APPEAL OF CONVICTION

5 17. Defendant understands that, with the exception of an appeal
6 based on a claim that defendant's guilty plea were involuntary, by
7 pleading guilty defendant is waiving and giving up any right to
8 appeal defendant's conviction on the offense to which defendant is
9 pleading guilty. Defendant understands that this waiver includes,
10 but is not limited to, arguments that the statute to which defendant
11 is pleading guilty is unconstitutional, and any and all claims that
12 the statement of facts provided herein is insufficient to support
13 defendant's plea of guilty.

14 WAIVER OF APPEAL OF SENTENCE AND COLLATERAL ATTACK

15 18. Defendant agrees that, provided the Court imposes a total
16 term of imprisonment on all counts of conviction of no more than
17 14-months, defendant gives up the right to appeal all of the
18 following: (a) the procedures and calculations used to determine and
19 impose any portion of the sentence; (b) the term of imprisonment
20 imposed by the Court; (c) the fine imposed by the Court, provided it
21 is within the statutory maximum; (d) to the extent permitted by law,
22 the constitutionality or legality of defendant's sentence, provided
23 it is within the statutory maximum; (e) the term of probation or
24 supervised release imposed by the Court, provided it is within the
25 statutory maximum; and (f) any of the following conditions of
26 probation or supervised release imposed by the Court: the conditions
27 set forth in General Orders 318, 01-05, and/or 05-02 of this Court;
28

1 the drug testing conditions mandated by 18 U.S.C. §§ 3563(a)(5) and
2 3583(d).

3 19. Defendant also gives up any right to bring a post-
4 conviction collateral attack on the conviction or sentence, except a
5 post-conviction collateral attack based on a claim of ineffective
6 assistance of counsel, a claim of newly discovered evidence, or an
7 explicitly retroactive change in the applicable Sentencing
8 Guidelines, sentencing statutes, or statutes of conviction.
9 Defendant understands that this waiver includes, but is not limited
10 to, arguments that the statute to which defendant is pleading guilty
11 is unconstitutional, and any and all claims that the statement of
12 facts provided herein is insufficient to support defendant's plea of
13 guilty.

14 20. The USAO agrees that, provided (a) all portions of the
15 sentence are at or below the statutory maximum specified above and
16 (b) the Court imposes a term of imprisonment of no less than eight
17 months, the USAO gives up its right to appeal any portion of the
18 sentence.

19 RESULT OF WITHDRAWAL OF GUILTY PLEA

20 21. Defendant agrees that if, after entering a guilty plea
21 pursuant to this agreement, defendant seeks to withdraw and succeeds
22 in withdrawing defendant's guilty plea on any basis other than a
23 claim and finding that entry into this plea agreement was
24 involuntary, then (a) the USAO will be relieved of all of its
25 obligations under this agreement; and (b) should the USAO choose to
26 pursue any charge that was either dismissed or not filed as a result
27 of this agreement, then (i) any applicable statute of limitations
28 will be tolled between the date of defendant's signing of this

1 agreement and the filing commencing any such action; and
2 (ii) defendant waives and gives up all defenses based on the statute
3 of limitations, any claim of pre-indictment delay, or any speedy
4 trial claim with respect to any such action, except to the extent
5 that such defenses existed as of the date of defendant's signing this
6 agreement.

7 EFFECTIVE DATE OF AGREEMENT

8 22. This agreement is effective upon signature and execution of
9 all required certifications by defendant, defendant's counsel, and an
10 Assistant United States Attorney.

11 BREACH OF AGREEMENT

12 23. Defendant agrees that if defendant, at any time after the
13 signature of this agreement and execution of all required
14 certifications by defendant, defendant's counsel, and an Assistant
15 United States Attorney, knowingly violates or fails to perform any of
16 defendant's obligations under this agreement ("a breach"), the USAO
17 may declare this agreement breached. All of defendant's obligations
18 are material, a single breach of this agreement is sufficient for the
19 USAO to declare a breach, and defendant shall not be deemed to have
20 cured a breach without the express agreement of the USAO in writing.
21 If the USAO declares this agreement breached, and the Court finds
22 such a breach to have occurred, then: (a) if defendant has previously
23 entered a guilty plea pursuant to this agreement, defendant will not
24 be able to withdraw the guilty plea, and (b) the USAO will be
25 relieved of all its obligations under this agreement.

26 24. Following the Court's finding of a knowing breach of this
27 agreement by defendant, should the USAO choose to pursue any charge
28

1 that was either dismissed or not filed as a result of this agreement,
2 then:

3 a. Defendant agrees that any applicable statute of
4 limitations is tolled between the date of defendant's signing of this
5 agreement and the filing commencing any such action.

6 b. Defendant waives and gives up all defenses based on
7 the statute of limitations, any claim of pre-indictment delay, or any
8 speedy trial claim with respect to any such action, except to the
9 extent that such defenses existed as of the date of defendant's
10 signing this agreement.

11 c. Defendant agrees that: (i) any statements made by
12 defendant, under oath, at the guilty plea hearing (if such a hearing
13 occurred prior to the breach); (ii) the agreed to factual basis
14 statement in this agreement; and (iii) any evidence derived from such
15 statements, shall be admissible against defendant in any such action
16 against defendant, and defendant waives and gives up any claim under
17 the United States Constitution, any statute, Rule 410 of the Federal
18 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
19 Procedure, or any other federal rule, that the statements or any
20 evidence derived from the statements should be suppressed or are
21 inadmissible.

22 COURT AND PROBATION OFFICE NOT PARTIES

23 25. Defendant understands that the Court and the United States
24 Probation Office are not parties to this agreement and need not
25 accept any of the USAO's sentencing recommendations or the parties'
26 agreements to facts or sentencing factors.

27 26. Defendant understands that both defendant and the USAO are
28 free to: (a) supplement the facts by supplying relevant information

1 to the United States Probation Office and the Court, (b) correct any
2 and all factual misstatements relating to the Court's Sentencing
3 Guidelines calculations and determination of sentence, and (c) argue
4 on appeal and collateral review that the Court's Sentencing
5 Guidelines calculations and the sentence it chooses to impose are not
6 error, although each party agrees to maintain its view that the
7 calculations in paragraph 13 are consistent with the facts of this
8 case. While this paragraph permits both the USAO and defendant to
9 submit full and complete factual information to the United States
10 Probation Office and the Court, even if that factual information may
11 be viewed as inconsistent with the facts agreed to in this agreement,
12 this paragraph does not affect defendant's and the USAO's obligations
13 not to contest the facts agreed to in this agreement.

14 27. Defendant understands that even if the Court ignores any
15 sentencing recommendation, finds facts or reaches conclusions
16 different from those agreed to, and/or imposes any sentence up to the
17 maximum established by statute, defendant cannot, for that reason,
18 withdraw defendant's guilty plea, and defendant will remain bound to
19 fulfill all defendant's obligations under this agreement. Defendant
20 understands that no one -- not the prosecutor, defendant's attorney,
21 or the Court -- can make a binding prediction or promise regarding
22 the sentence defendant will receive, except that it will be within
23 the statutory maximum.

24 NO ADDITIONAL AGREEMENTS

25 28. Defendant understands that, except as set forth herein,
26 there are no promises, understandings, or agreements between the USAO
27 and defendant or defendant's attorney, and that no additional
28

1 promise, understanding, or agreement may be entered into unless in a
2 writing signed by all parties or on the record in court.

3 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

4 29. The parties agree that this agreement will be considered
5 part of the record of defendant's guilty plea hearing as if the
6 entire agreement had been read into the record of the proceeding.

7 AGREED AND ACCEPTED

8 UNITED STATES ATTORNEY'S OFFICE
9 FOR THE CENTRAL DISTRICT OF
10 CALIFORNIA

11 NICOLA T. HANNA
12 United States Attorney

1/13/19

/s/

13 ANNAMARTINE SALICK
14 Assistant United States Attorney

Date

15 VALLMOE SHQAIRE
16 Defendant

Date

17 MARK J. WERKSMAN
18 Attorney for Defendant Vallmoe
19 Shqaire

Date

20 ///

21 ///

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AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA

NICOLA T. HANNA
United States Attorney

ANNAMARTINE SALICK
Assistant United States Attorney

Date

VALLMOE SHQAIRE
Defendant

Date

MARK J. WERKSMAN
Attorney for Defendant Vallmoe
Shqaire

Date

///

///

CERTIFICATION OF DEFENDANT

VALLMOE SHQAIRE
Defendant

01/13/19

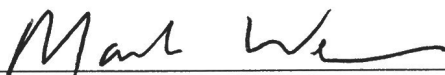
CERTIFICATION OF INTERPRETER

INTERPRETER

Date _____

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am VALLMOE SHQAIRE's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.


MARK J. WERKSMAN
Attorney for Defendant Vallmoe
Shqaire

1/13/19
Date