

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

ISSAM HAMAMA,

Defendant.
_____ /

Case No. 08-20314

Judge: Nancy G. Edmunds

Offense(s): Conspiracy, 18 U.S.C. §§
371, 951

Maximum Penalty: 5 years

Maximum Fine: \$250,000

Supervised Release: At least 2
years, but not more than 3 years.

RULE 11 PLEA AGREEMENT

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, defendant
ISSAM HAMAMA and the government agree as follows:

1. GUILTY PLEA

A. Count(s) of Conviction

Defendant will enter a plea of guilty to **Count 1** of the Superseding Indictment,
which charges: conspiracy to act in the United States as an agent of a foreign government
without first notifying the Attorney General.

B. Elements of Offense(s)

The elements of Count 1 are:

1. The defendant knowingly agreed with at least one individual;

2. To act in the United States as an agent of a foreign government without prior notification to the Attorney General;
3. The defendant or another individual committed an overt act in furtherance of this agreement.

C. Factual Basis for Guilty Plea

The following facts are a sufficient and accurate basis for Defendant's guilty plea:

From the mid-1990s to 2008, within the Eastern District of Michigan, and elsewhere, the defendant, ISSAM HAMAMA, agreed with diplomatic officials from the Iraqi government to knowingly act in the United States as an agent of the Government of Iraq. Specifically, the defendant would meet with Iraqi government diplomatic officials in New York, New York, and Washington, D.C., and complete tasks and assignments on their behalf. At no time did the defendant notify the Attorney General that he was acting as an agent of the Iraqi government.

2. SENTENCING GUIDELINES

A. Standard of Proof

The Court will find sentencing factors by a preponderance of the evidence.

B. Guideline Range

The parties disagree on the applicable guideline range. Therefore, the parties agree that the Court will determine the applicable guideline range.

3. SENTENCE

The Court will impose a sentence pursuant to 18 U.S.C. § 3553, and in doing so, must consider what the Court determines to be the applicable sentencing guideline range.

A. Imprisonment

Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) the sentence of imprisonment for Count 1 in this case may not exceed **34 months**.

B. Supervised Release

A term of supervised release follows the term of imprisonment. The Court must impose a term of supervised release on Count 1 of **at least two years but not more than three years**. The agreement concerning imprisonment described above in Paragraph 3A does not apply to any term of imprisonment that results from any later revocation of supervised release.

C. Special Assessment

Defendant will pay a special assessment of **\$100** and must provide the government with a receipt for the payment before sentence is imposed.

D. Fine

The Court may impose a fine of **up to \$250,000**

E. Restitution

Restitution is not applicable.

4. OTHER CHARGES

If the Court accepts this agreement, the government agrees to dismiss Counts Two, Three, Four and Five of the Superseding Indictment.

5. EACH PARTY'S RIGHT TO WITHDRAW FROM THIS AGREEMENT

Defendant may withdraw from this agreement, and may withdraw his guilty plea, if the Court decides to impose a sentence higher than the maximum allowed by Paragraph 2B. This is the only reason for which Defendant may withdraw from this agreement. The Court shall advise Defendant that if he does not withdraw his guilty plea under this circumstance, the Court may impose a sentence greater than the maximum allowed by Paragraph 2B.

6. RIGHT TO APPEAL

If the sentence imposed falls within the guideline range recommended by defendant in Paragraph 2B, above, defendant waives any right to appeal his conviction. Defendant retains his right to directly appeal the Court's adverse determination of any disputed sentencing issue that was raised at or before the sentencing hearing. The government retains its right to appeal any sentence.

7. CONSEQUENCES OF WITHDRAWAL OF GUILTY PLEA OR VACATION OF CONVICTION

If additional charges are filed against Defendant within six months after the date of the order vacating Defendant's conviction or allowing him to withdraw his guilty plea becomes final, which charges relate directly or indirectly to the conduct underlying the guilty plea, Defendant waives his right to challenge the additional charges on the ground that they were not filed in a timely manner, including any claim that they were filed after the limitations period expired.

8. PARTIES TO PLEA AGREEMENT

Unless otherwise indicated, this agreement does not bind any government agency except the United States Attorney's Office for the Eastern District of Michigan.

9. SCOPE OF PLEA AGREEMENT

This agreement, which includes all documents that it explicitly incorporates, is the complete agreement between the parties. It supersedes all other promises, representations, understandings, and agreements between the parties concerning the subject matter of this plea agreement that are made at any time before the guilty plea is entered in court. Thus, no oral or written promises made by the government to Defendant or to the attorney for Defendant at any time before Defendant pleads guilty are binding except to the extent they have been explicitly incorporated into this agreement.

This agreement does not prevent any civil or administrative actions against Defendant, or any forfeiture claim against any property, by the United States or any other party.

10. ACCEPTANCE OF AGREEMENT BY DEFENDANT

This plea offer expires unless it has been received, fully signed, in the Office of the United States Attorney by **5:00 P.M. on July 12, 2010**. The government reserves the right to modify or revoke this offer at any time before Defendant pleads guilty.

BARBARA MCQUADE
United States Attorney

JONATHAN TUKEL
ASSISTANT UNITED STATES ATTORNEY
CHIEF, NATIONAL SECURITY UNIT

MICHAEL C. MARTIN
ASSISTANT UNITED STATES ATTORNEY

DATE:

BY SIGNING BELOW, DEFENDANT ACKNOWLEDGES THAT HE HAS READ (OR BEEN READ) THIS ENTIRE DOCUMENT, UNDERSTANDS IT, AND AGREES TO ITS TERMS. HE ALSO ACKNOWLEDGES THAT HE IS SATISFIED WITH HIS ATTORNEY'S ADVICE AND REPRESENTATION. DEFENDANT AGREES THAT HE HAS HAD A FULL AND COMPLETE OPPORTUNITY TO CONFER WITH HIS LAWYER, AND HAS HAD ALL OF HIS QUESTIONS ANSWERED BY HIS LAWYER.

HAYTHAM FARAJ
ATTORNEY FOR DEFENDANT

ISSAM HAMAMA
DEFENDANT

DATE: