

FILED
At Albuquerque NM

MAY 15 2007

MATTHEW J. DYKMAN
CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 07-931

JESSICA LYNN QUINTANA,

Defendant.

Plea Agreement

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the parties notify the Court of the following agreement between the United States of America, the Defendant, Jessica Lynn Quintana, and the Defendant's counsel, Aarons Law Firm, P.C.:

Representation by Counsel

1. The Defendant understands the Defendant's right to be represented by an attorney and is so represented. The Defendant has thoroughly reviewed all aspects of this case with the Defendant's attorney and is fully satisfied with that attorney's legal representation.

Rights of the Defendant

2. The Defendant further understands the Defendant's rights:
- a. To plead not guilty, or having already so pleaded, to persist in that plea;
 - b. To have a trial by jury; and
 - c. At a trial:
 - i. To confront and cross-examine adverse witnesses,

- ii. To be protected from compelled self-incrimination,
 - iii. To testify and present evidence on the Defendant's own behalf,
- and
- iv. To compel the attendance of witnesses for the defense.

Waiver of Rights and Plea of Guilty

3. The Defendant agrees to waive these rights and to plead guilty to a one-Count Information, charging a violation of Section 1924 of Title 18, United States Code, that being Unauthorized Removal and Retention of Classified Material.

Sentencing

4. The Defendant understands that the maximum penalty the Court can impose is:
- a. Imprisonment for a period of not more than one year;
 - b. A fine not to exceed \$100,000;
 - c. A mandatory term of supervised release of not more than one year that must follow any term of imprisonment. (If the Defendant serves a term of imprisonment, is then released on supervised release, and violates the conditions of supervised release, the Defendant's supervised release could be revoked -- even on the last day of the term -- and the Defendant could then be returned to another period of incarceration and a new term of supervised release.);
 - d. A mandatory special penalty assessment of \$25; and
 - e. Restitution as may be ordered by the Court.
 - f. The maximum term of probation authorized for this offense is five years.

5. The parties recognize that the United States Sentencing Guidelines (the "Guidelines") are advisory, and that the Court is required to consider them in determining the sentence it imposes.

6. The United States reserves the right to make known to the United States Probation Office, for inclusion in the presentence report to be prepared under Rule 32 of the Federal Rules of Criminal Procedure, any information the United States believes may be helpful to the Court, including but not limited to information about any relevant conduct under Guideline Section 1B1.3.

Factual Basis

7. The Defendant agrees that if this case were to proceed to trial, the United States would prove the following facts with competent, admissible evidence beyond a reasonable doubt:

a. From on or about July 27, 2006, to on or about October 17, 2006, in Los Alamos County in the State and District of New Mexico, the Defendant, a contractor of the United States who, by virtue of her position, was in possession of documents and materials containing classified information of the United States, knowingly removed such documents and materials without authorization and with the intent to maintain such documents and materials at an unauthorized location, in that she knowingly removed documents and computer files containing classified information of the United States from a vault type room at the Los Alamos National Laboratory and stored such documents and files at places outside Los Alamos National Laboratory, including a backpack in which

she transported such documents and materials to her residence and a computer desk drawer inside her bedroom at her residence, which places were unauthorized locations for the storage and retention of documents and materials containing classified information of the United States, in violation of 18 U.S.C. § 1924.

b. At all times relevant to this prosecution, the Defendant was employed by Information Assets Management, Inc. ("IAM"). IAM had contracted to archive classified information of the United States ("Classified Information") at Los Alamos National Laboratory ("LANL"). The Defendant had been granted a Q clearance. Under the IAM contract and her clearance, the Defendant had access to Classified Information at LANL. On or about July 27, 2006, the Defendant used a printer at LANL to print pages containing Classified Information, and used a computer at LANL to download other Classified Information to a San Disk Cruzer Micro 1.0 gb thumb drive, serial number BB0510U0B. The Defendant stored the pages and thumb drive containing the Classified Information at her residence, which was not an authorized location for the storage of Classified Information. On October 17, 2006, the Los Alamos Police Department seized the thumb drive containing Classified Information while executing a search warrant issued by a Magistrate Judge of Los Alamos County, New Mexico. After Classified Information was found on the thumb drive, the Federal Bureau of Investigation seized the printed pages containing Classified Information while executing a search warrant issued by the United States District Court for the District of New Mexico on October 20, 2006.

8. By signing this agreement, the Defendant admits all the foregoing facts and admits that there is a factual basis for each element of the crime(s) to which the Defendant will plead guilty. The Defendant agrees that the Court may rely on any of these facts, as well as facts in the presentence report, to determine the Defendant's sentence, including, but not limited to, any advisory guideline offense level.

Stipulations

9. To assist the Court in determining a sentence, the United States and the Defendant stipulate as follows:

a. The appropriate Guideline for Unauthorized Removal and Retention of Classified Documents is Guideline Section 2X5.1. Because there is not a sufficiently analogous Guideline to the charged offense, "the provisions of 18 U.S.C. § 3553(b) shall control" the Defendant's sentence. U.S.S.G. § 2X5.1.

b. As of the date of this Plea Agreement, the Defendant has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for the Defendant's *criminal conduct*. The United States is free to withdraw this stipulation if the Defendant engages in any conduct that is inconsistent with acceptance of responsibility between the date of this Plea Agreement and the sentencing hearing.

10. The Defendant understands that the above stipulations are not binding on the Court and that whether the Court accepts these stipulations is a matter solely within the discretion of the Court after it has reviewed the presentence report. Further, the Defendant understands that the Court may choose to deviate from any advisory guideline sentence. The

Defendant understands that if the Court does not accept any one or more of the above stipulations, or reaches an advisory guideline level different than what the Defendant expects, or if the Court deviates from any advisory guideline range, the Defendant will not seek to withdraw the plea of guilty. In other words, regardless of any stipulations the parties may enter into, the Defendant's final sentence is solely within the discretion of the Court.

Defendant's Additional Obligations

11. The Defendant understands the Defendant's obligation to provide the United States Probation Office with truthful, accurate, and complete information. The Defendant represents that the Defendant has complied with and will continue to comply with this obligation.

12. The Defendant hereby agrees to cooperate with the United States by giving truthful and complete information, testimony, or both concerning the Defendant's participation in and knowledge of criminal activities. The Defendant understands that if the Defendant falsely implicates an innocent person in the commission of a crime or exaggerates the involvement of any person in the commission of a crime to appear cooperative, or if the Defendant falsely minimizes the involvement of any person in the commission of a crime to protect that person, then the Defendant will be in violation of this Plea Agreement, and the United States will have the right to rescind the Plea Agreement and reinstitute criminal proceedings against the Defendant. With respect to such a prosecution:

- a. The Defendant shall assert no claim under the United States Constitution, any statute, Rule 410 of the Federal Rules of Evidence, Rule 11(f) of the Federal Rules of

Criminal Procedure, or any other federal rule, that her statements under this Plea Agreement, or any leads derived from those statements, should be suppressed or are inadmissible;

b. The Defendant waives any right to claim that evidence presented in such a prosecution is tainted by virtue of the statements she has made; and

c. The Defendant waives any and all defenses based on any statute of limitations with respect to any such prosecution that is not time-barred on the date that the parties sign this Plea Agreement.

13. The Defendant agrees to testify truthfully if called as a witness in any state or federal grand jury investigation, civil suit, or criminal proceeding brought in the District of New Mexico or elsewhere.

14. If requested to do so by the United States Attorney's Office for the District of New Mexico and the Counterespionage Section of the National Security Division of the United States Department of Justice, or either of them, the Defendant will provide all documents, records, writings, tangible objects, or materials of any kind that are in the Defendant's possession, custody, or control and that relate directly or indirectly to any area of inquiry or investigation in this proceeding.

15. If requested to do so by the United States Attorney's Office for the District of New Mexico and the Counterespionage Section of the National Security Division of the United States Department of Justice, or either of them, the Defendant will submit a personal financial statement under oath and submit to interviews by the United States Attorney's Office for the

District of New Mexico and the Counterespionage Section of the National Security Division of the United States Department of Justice, or either of them, regarding the Defendant's capacity to satisfy any fines, restitution, or both.

16. If requested to do so by the United States Attorney's Office for the District of New Mexico and the Counterespionage Section of the National Security Division of the United States Department of Justice, or either of them, the Defendant will voluntarily submit to polygraph examinations conducted by a polygraph examiner of the Government's choice. The Defendant stipulates to the admissibility of the results of the polygraph examination if later offered in a proceeding to determine her compliance with this Plea Agreement. This obligation to submit to polygraph examinations will expire at the end of the Defendant's sentence in this case, including but not limited to any term of probation or supervised release, after which the Defendant will have no further duty under this Agreement to submit to additional polygraph examinations.

Government's Agreement

17. Provided that the Defendant fulfills the Defendant's obligations as set out above, the United States agrees that:

a. Under Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, the United States will not oppose the Defendant's request that she receive a non-custodial sentence.

b. The United States will not bring additional criminal charges against the Defendant arising out of the Defendant's conduct now known to the United States

Attorney's Office for the District of New Mexico and the Counterespionage Section of the National Security Division of the United States Department of Justice, or either of them.

18. This Plea Agreement is limited to the United States Attorney's Office for the District of New Mexico and the Counterespionage Section of the National Security Division of the United States Department of Justice, and does not bind any other federal, state, or local agencies or prosecuting authorities.

Voluntary Plea

19. The Defendant agrees and represents that this plea of guilty is freely and voluntarily made and is not the result of force, threats, or promises (other than the promises set forth in this Plea Agreement). There have been no representations or promises from anyone as to what sentence the Court will impose. The Defendant represents that the Defendant is pleading guilty because the Defendant is in fact guilty, and for no other reason.

Violation of Plea Agreement

20. The Defendant agrees that if the District Court finds by a preponderance of evidence that Defendant has breached a material provision of this Plea Agreement, the United States may declare this Plea Agreement null and void, and the Defendant will thereafter be subject to prosecution for any criminal violation, including but not limited to any crime(s) or offense(s) contained in or related to the charges in this case, as well as perjury, false statement, obstruction of justice, and any other crime committed by the Defendant during this prosecution.

Special Assessment

21. At the time of sentencing, the Defendant will tender to the United States District Court, District of New Mexico, 333 Lomas Boulevard N.W., Suite 270, Albuquerque, New Mexico 87102, a money order or certified check payable to the order of the **United States District Court** in the amount of \$25 in payment of the special penalty assessment described above.

Entirety of Agreement

22. This document is a complete statement of the agreement in this case and may not be altered unless done so in writing and signed by all parties.


AGREED TO AND SIGNED this 15th day of May, 2007.

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Of Counsel

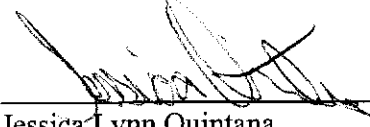
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Stephen D. Aarons

I have read this agreement and carefully reviewed every part of it with my attorney. I understand the agreement and voluntarily sign it.

DEFENDANT



Jessica Lynn Quintana