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11 Attorneys for Plaintiff
 12 UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

No. CR 12-00903-ABC

16 Plaintiff,

PLEA AGREEMENT FOR DEFENDANT ALEX
 KAPRI

17 v.

18 ALEX KAPRI,
 19 aka "Alex Kapriyelov,"
 aka "Alexander Kapriyelov,"
 20 Defendant.
 21

22 1. This constitutes the plea agreement between ALEX KAPRI,
 23 also known as "Alex Kapriyelov" and "Alexander Kapriyelov"
 24 ("defendant"), and the Criminal Fraud Section of the United States
 25 Department of Justice and the United States Attorney's Office for
 26 the Central District of California (collectively the "USAO"), in the
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1 above-captioned case. This agreement is limited to the USAO and
2 cannot bind any other federal, state, local, or foreign prosecuting,
3 enforcement, administrative, or regulatory authorities.

4 DEFENDANT'S OBLIGATIONS

5 2. Defendant agrees to:

6 a) At the earliest opportunity requested by the USAO and
7 provided by the Court, appear and plead guilty to count one of the
8 indictment in United States v. Alex Kapri et al., CR No. 12-00903-
9 ABC, which charges defendant with conspiracy to commit health care
10 fraud, in violation of 18 U.S.C. § 1349.

11 b) Not contest facts agreed to in this agreement.

12 c) Abide by all agreements regarding sentencing
13 contained in this agreement.

14 d) Appear for all court appearances, surrender as
15 ordered for service of sentence, obey all conditions of any bond,
16 and obey any other ongoing court order in this matter.

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

21 f) Be truthful at all times with Pretrial Services, the
22 United States Probation Office, and the Court.

23 g) Pay the applicable special assessment at or before
24 the time of sentencing unless defendant lacks the ability to pay and
25 prior to sentencing submits a completed financial statement on a
26 form to be provided by the USAO.

27 3. Defendant further agrees:

1 a) Truthfully to disclose to law enforcement officials,
2 at a date and time to be set by the USAO, the location of,
3 defendant's ownership interest in, and all other information known
4 to defendant about, all monies, properties, and/or assets of any
5 kind, derived from or acquired as a result of, or used to facilitate
6 the commission of, defendant's illegal activities, and to forfeit
7 all right, title, and interest in and to such items, specifically
8 including all right, title, and interest in and to all United States
9 currency, property and assets, which defendant admits constitute the
10 proceeds of defendant's illegal activity, in violation of 18 U.S.C.
11 § 1349.

12 b) To the Court's entry of an order of forfeiture at or
13 before sentencing with respect to these assets and to the forfeiture
14 of the assets.

15 c) To take whatever steps are necessary to pass to the
16 United States clear title to the assets described above, including,
17 without limitation, the execution of a consent decree of forfeiture
18 and the completing of any other legal documents required for the
19 transfer of title to the United States.

20 d) With respect to any criminal forfeiture ordered as a
21 result of this plea agreement, defendant waives the requirements of
22 Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice
23 of the forfeiture in the charging instrument, announcements of the
24 forfeiture sentencing, and incorporation of the forfeiture in the
25 judgment. Defendant acknowledges that forfeiture of the assets is
26 part of the sentence that may be imposed in this case and waives any
27 failure by the Court to advise defendant of this, pursuant to
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1 Federal Rule of Criminal Procedure 11(b)(1)(J), at the time the
2 Court accepts defendant's guilty plea.

3 e) Not to assist any other individual in any effort
4 falsely to contest the forfeiture of the assets described above.

5 f) Not to claim that reasonable cause to seize the
6 assets was lacking.

7 g) To prevent the transfer, sale, destruction, or loss
8 of any and all assets described above to the extent defendant has
9 the ability to do so.

10 h) To fill out and deliver to the USAO a completed
11 financial statement listing defendant's assets on a form provided by
12 the USAO.

13 i) That forfeiture of assets described above shall not
14 be counted toward satisfaction of any special assessment, fine,
15 restitution, costs, or other penalty the Court may impose.

16 THE USAO'S OBLIGATIONS

17 4. The USAO agrees to:

18 a) Not contest facts agreed to in this agreement.

19 b) Abide by all agreements regarding sentencing
20 contained in this agreement.

21 c) At the time of sentencing, move to dismiss the
22 remaining counts of the indictment as against defendant. Defendant
23 agrees, however, that at the time of sentencing the Court may
24 consider any dismissed charges in determining the applicable
25 Sentencing Guidelines range, the propriety and extent of any
26 departure from that range, and the sentence to be imposed.

1 d) At the time of sentencing, provided that defendant
2 demonstrates an acceptance of responsibility for the offense up to
3 and including the time of sentencing, recommend a two-level
4 reduction in the applicable Sentencing Guidelines offense level,
5 pursuant to U.S.S.G. § 3E1.1, and recommend and, if necessary, move
6 for an additional one-level reduction if available under that
7 section.

8 e) Recommend that defendant be sentenced to a term of
9 imprisonment no higher than the low end of the applicable Sentencing
10 Guidelines range, provided that the offense level used by the Court
11 to determine that range is, after application of acceptance, 30 or
12 higher and provided that the Court does not depart downward in
13 offense level. For purposes of this agreement, the low end of the
14 Sentencing Guidelines range is that defined by the Sentencing Table
15 in U.S.S.G. Chapter 5, Part A.

16 NATURE OF THE OFFENSE

17 5. Defendant understands that for defendant to be guilty of
18 the crime charged in count one, that is, a violation of Title 18,
19 United States Code, Section 1349, the following must be true:

20 (1) There was an agreement between two or more persons to
21 commit the crime of health care fraud, in violation of
22 Title 18, United States Code, Section 1347; and

23 (2) Defendant became a member of the conspiracy knowing its
24 object and intending to help accomplish it.

25 Defendant further understands that for defendant to have committed
26 the crime of health care fraud, the following must be true:

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1 (1) Defendant knowingly and willfully participated in a scheme
2 or plan to defraud a health care benefit program, or a scheme
3 or plan for obtaining money or property from a health care
4 benefit program by means of false or fraudulent pretenses,
5 representations, or promises;

6 (2) The statements made or facts omitted as part of the scheme
7 were material; that is, they had a natural tendency to
8 influence, or were capable of influencing, the health care
9 benefit program to part with money or property;

10 (3) Defendant acted with the intent to defraud; that is, the
11 intent to deceive or cheat; and

12 (4) The scheme involved the delivery of or payment for health
13 care benefits, items, or services.

14 PENALTIES AND RESTITUTION

15 6. Defendant understands that the statutory maximum sentence
16 that the Court can impose for a violation of Title 18, United States
17 Code, Section 1349, is: 10 years' imprisonment; a three-year period
18 of supervised release; a fine of \$250,000 or twice the gross gain or
19 gross loss resulting from the offense, whichever is greatest; and a
20 mandatory special assessment of \$100.

21 7. Defendant understands that he will be required to pay
22 full restitution to the victims of the offense. Defendant agrees
23 that, in return for the USAO's compliance with its obligations under
24 this agreement, the amount of restitution is not restricted to the
25 amounts alleged in the count to which defendant is pleading guilty
26 and may include losses arising from counts dismissed and charges not
27 prosecuted pursuant to this agreement, as well as all relevant

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1 conduct in connection with those counts and charges. Defendant
2 agrees that the applicable amount of restitution is \$1,679,712.52,
3 but the parties recognize and agree that this amount could change
4 based on facts that come to the attention of the parties prior to
5 sentencing. Defendant further agrees that defendant will not seek
6 the discharge of any restitution obligation, in whole or in part, in
7 any present or future bankruptcy proceeding.

8 8. Defendant understands that supervised release is a period
9 of time following imprisonment during which defendant will be
10 subject to various restrictions and requirements. Defendant
11 understands that if defendant violates one or more of the conditions
12 of any supervised release imposed, defendant may be returned to
13 prison for all or part of the term of supervised release authorized
14 by statute for the offense that resulted in the term of supervised
15 release, which could result in defendant serving a total term of
16 imprisonment greater than the statutory maximum stated above.

17 9. Defendant understands that, by pleading guilty, defendant
18 may be giving up valuable government benefits and valuable civic
19 rights, such as the right to vote, the right to possess a firearm,
20 the right to hold office, and the right to serve on a jury.
21 Defendant understands that once the court accepts defendant's guilty
22 plea, it will be a federal felony for defendant to possess a firearm
23 or ammunition. Defendant understands that the conviction in this
24 case may also subject defendant to various other collateral
25 consequences, including but not limited to mandatory exclusion from
26 federal health care benefit programs for a minimum of five years,
27 revocation of probation, parole, or supervised release in another

1 case and suspension or revocation of a professional license.
2 Defendant understands that unanticipated collateral consequences
3 will not serve as grounds to withdraw defendant's guilty plea.

4 10. Defendant understands that, if defendant is not a United
5 States citizen, the felony conviction in this case may subject
6 defendant to: removal, also known as deportation, which may, under
7 some circumstances, be mandatory; denial of citizenship; and denial
8 of admission to the United States in the future. The court cannot,
9 and defendant's attorney also may not be able to, advise defendant
10 fully regarding the immigration consequences of the felony
11 conviction in this case. Defendant understands that unexpected
12 immigration consequences will not serve as grounds to withdraw
13 defendant's guilty plea.

14 FACTUAL BASIS

15 11. Defendant admits that defendant is, in fact, guilty of the
16 offense to which defendant is agreeing to plead guilty. Defendant
17 and the USAO agree to the statement of facts provided below and
18 agree that this statement of facts is sufficient to support a plea
19 of guilty to the charge described in this agreement and to establish
20 the Sentencing Guidelines factors set forth in paragraph 13 below
21 but is not meant to be a complete recitation of all facts relevant
22 to the underlying criminal conduct or all facts known to either
23 party that relate to that conduct.

24 Beginning at least as early as on or about September 6, 2007,
25 and continuing at least through on or about July 31, 2012, in Los
26 Angeles County, within the Central District of California, and
27 elsewhere, defendant, together with others, knowingly combined,

1 conspired, and agreed to commit health care fraud, in violation of
2 Title 18, United States Code, Section 1347. The criminal conspiracy
3 operated, in substance, in the following manner:

4 Defendant owned and operated - with co-defendant Aleksey
5 Muratov - Alpha Ambulance, Inc. ("Alpha"), an ambulance
6 transportation company that operated in the greater Los Angeles area
7 and that specialized in the provision of non-emergency ambulance
8 transportation services to Medicare beneficiaries, primarily
9 dialysis patients. Through Alpha, Defendant knowingly provided, and
10 caused the provision of, non-emergency ambulance transportation
11 services to Medicare beneficiaries whose then medical conditions did
12 not necessitate the transportation services. Defendant knew that
13 certain Alpha employees were concealing the Medicare beneficiaries'
14 then true medical conditions by altering requisite paperwork and
15 creating fraudulent reasons that justified, on paper, the
16 transportation services. Based on these medically unnecessary
17 ambulance transportation services, Defendant then, again through
18 Alpha, submitted, and caused the submission of, false and fraudulent
19 claims to Medicare, which totaled \$6,742,294.14 and resulted in
20 Medicare payments of \$1,679,712.57.

21 Additionally, as Defendant and his co-conspirators were
22 submitting the above-referenced false and fraudulent claims to
23 Medicare, Medicare notified Defendant that Alpha would be subject to
24 a Medicare audit. Defendant knew that, in response to this notice,
25 certain Alpha employees altered requisite paperwork and created
26 fraudulent reasons that justified, on paper, transportation services
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1 for the specific beneficiaries identified as the subject of
 2 Medicare's audit.

3 SENTENCING FACTORS

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

16 13. Defendant and the USAO agree to the following applicable
 17 Sentencing Guidelines factors:

18	Base Offense Level:	6	[U.S.S.G. § 2B1.1(a)(2)]
19	Loss Amount:	+18	[U.S.S.G. § 2B1.1(b)(1)(J)]
20	Health Care offense Involving loss > \$1 million:	+2	[U.S.S.G. § 2B1.1(b)(8)]
21			
22	Abuse of Position of Trust/Special Skill:	+2	[U.S.S.G. § 3B1.3]
23	Aggravating Role:	+3	[U.S.S.G. § 3B1.1(b)]
24	Obstruction:	+2	[U.S.S.G. § 3C1.1]

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

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

5 WAIVER OF CONSTITUTIONAL RIGHTS

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

- 8 a) The right to persist in a plea of not guilty.
9 b) The right to a speedy and public trial by jury.
10 c) The right to be represented by counsel - and if
11 necessary have the court appoint counsel - at trial. Defendant
12 understands, however, that, defendant retains the right to be
13 represented by counsel - and if necessary have the court appoint
14 counsel - at every other stage of the proceeding.
15 d) The right to be presumed innocent and to have the
16 burden of proof placed on the government to prove defendant guilty
17 beyond a reasonable doubt.
18 e) The right to confront and cross-examine witnesses
19 against defendant.
20 f) The right to testify and to present evidence in
21 opposition to the charges, including the right to compel the
22 attendance of witnesses to testify.
23 g) The right not to be compelled to testify, and, if
24 defendant chose not to testify or present evidence, to have that
25 choice not be used against defendant.

1 h) Any and all rights to pursue any affirmative
2 defenses, Fourth Amendment or Fifth Amendment claims, and other
3 pretrial 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
6 appeal based on a claim that defendant's guilty plea were
7 involuntary, by pleading guilty defendant is waiving and giving up
8 any right to appeal defendant's conviction on the offense to which
9 defendant is pleading guilty.

10 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

11 18. Defendant agrees that, provided the Court imposes a total
12 term of imprisonment on all counts of conviction of no more than 97
13 months, defendant gives up the right to appeal all of the following:
14 (a) the procedures and calculations used to determine and impose any
15 portion of the sentence; (b) the term of imprisonment imposed by the
16 Court; (c) the fine imposed by the court, provided it is within the
17 statutory maximum; (d) the amount and terms of any restitution order
18 are \$1,679,712.57; (e) the term of probation or supervised release
19 imposed by the Court, provided it is within the statutory maximum;
20 and (f) any of the following conditions of probation or supervised
21 release imposed by the Court: the conditions set forth in General
22 Orders 318, 01-05, and/or 05-02 of this Court; the drug testing
23 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the
24 alcohol and drug use conditions authorized by 18 U.S.C.
25 § 3563(b)(7).

26 19. The USAO agrees that, provided (a) all portions of the
27 sentence are at or below the statutory maximum specified above and
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1 (b) the Court imposes a term of imprisonment of no less than 97
2 months, the USAO gives up its right to appeal any portion of the
3 sentence, with the exception that the USAO reserves the right to
4 appeal the following: (a) the amount of restitution ordered if that
5 amount is less than \$1,679,712.57.

6 RESULT OF WITHDRAWAL OF GUILTY PLEA

7 20. Defendant agrees that if, after entering a guilty plea
8 pursuant to this agreement, defendant seeks to withdraw and succeeds
9 in withdrawing defendant's guilty plea on any basis other than a
10 claim and finding that entry into this plea agreement was
11 involuntary, then the USAO will be relieved of all of its
12 obligations under this agreement.

13 EFFECTIVE DATE OF AGREEMENT

14 21. This agreement is effective upon signature and execution
15 of all required certifications by defendant, defendant's counsel,
16 and an Assistant United States Attorney.

17 BREACH OF AGREEMENT

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

6 23. Following the Court's finding of a knowing breach of this
7 agreement by defendant, should the USAO choose to pursue any charge
8 that was either dismissed or not filed as a result of this
9 agreement, then:

10 a) Defendant agrees that any applicable statute of
11 limitations is tolled between the date of defendant's signing of
12 this agreement and the filing commencing any such action.

13 b) Defendant waives and gives up all defenses based on
14 the statute of limitations, any claim of pre-indictment delay, or
15 any speedy trial claim with respect to any such action, except to
16 the extent that such defenses existed as of the date of defendant's
17 signing this agreement.

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

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1 or any evidence derived from the statements should be suppressed or
2 are inadmissible.

3 COURT AND PROBATION OFFICE NOT PARTIES

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

8 25. Defendant understands that both defendant and the USAO are
9 free to: (a) supplement the facts by supplying relevant information
10 to the United States Probation Office and the Court, (b) correct any
11 and all factual misstatements relating to the Court's Sentencing
12 Guidelines calculations and determination of sentence, and (c) argue
13 on appeal and collateral review that the Court's Sentencing
14 Guidelines calculations and the sentence it chooses to impose are
15 not error, although each party agrees to maintain its view that the
16 calculations in paragraph 13 are consistent with the facts of this
17 case. While this paragraph permits both the USAO and defendant to
18 submit full and complete factual information to the United States
19 Probation Office and the Court, even if that factual information may
20 be viewed as inconsistent with the facts agreed to in this
21 agreement, this paragraph does not affect defendant's and the USAO's
22 obligations not to contest the facts agreed to in this agreement.

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

6 NO ADDITIONAL AGREEMENTS

7 27. Defendant understands that, except as set forth herein,
8 there are no promises, understandings, or agreements between the
9 USAO and defendant or defendant's attorney, and that no additional
10 promise, understanding, or agreement may be entered into unless in a
11 writing signed by all parties or on the record in court.

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING


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

AGREED AND ACCEPTED

UNITED STATES DEPARTMENT OF JUSTICE
CRIMINAL FRAUD SECTION

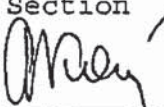
UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ANDRÉ BIROTTE JR.
United States Attorney



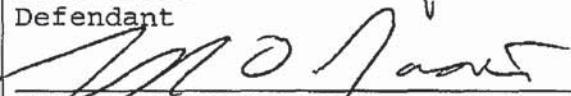
BLANCA QUINTERO
ALEXANDER F. PORTER
Trial Attorneys
United States Department of Justice
Criminal Fraud Section

10/25/13
Date



ALEX KAPRI
Defendant

10.25.13
Date



MICHAEL NASATIR, ESQ.
VICKI PODBERESKY
PETER BERLIN
Attorney for Defendant
ALEX KAPRI

10/25/13
Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions

1 that might be filed, of possible defenses that might be asserted
2 either prior to or at trial, of the sentencing factors set forth in
3 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions,
4 and of the consequences of entering into this agreement. No
5 promises, inducements, or representations of any kind have been made
6 to me other than those contained in this agreement. No one has
7 threatened or forced me in any way to enter into this agreement. I
8 am satisfied with the representation of my attorney in this matter,
9 and I am pleading guilty because I am guilty of the charges and wish
10 to take advantage of the promises set forth in this agreement, and
11 not for any other reason.



10.25.13

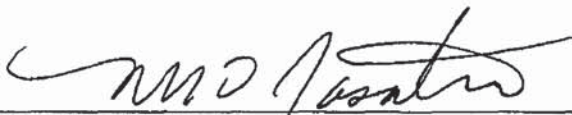
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14 ALEX KAPRI
Defendant

Date

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16 CERTIFICATION OF DEFENDANT'S ATTORNEY

17 I am ALEX KAPRI's attorney. I have carefully and thoroughly
18 discussed every part of this agreement with my client. Further, I
19 have fully advised my client of his rights, of possible pretrial
20 motions that might be filed, of possible defenses that might be
21 asserted either prior to or at trial, of the sentencing factors set
22 forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines
23 provisions, and of the consequences of entering into this agreement.
24 To my knowledge: no promises, inducements, or representations of any
25 kind have been made to my client other than those contained in this
26 agreement; no one has threatened or forced my client in any way to
27 enter into this agreement; my client's decision to enter into this

1 agreement is an informed and voluntary one; and the factual basis
2 set forth in this agreement is sufficient to support my client's
3 entry of a guilty plea pursuant to this agreement.

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5 _____

6 MICHAEL NASATIR, ESQ.
7 VICKI PODBERESKY, ESQ.
8 PETER BERLIN, ESQ.
9 Attorney for Defendant
10 ALEX KAPRI

11 _____
12 Date 10/25/13
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