



U.S. Department of Justice

*United States Attorney
District of New Jersey*

970 Broad Street, Suite 700
Newark, NJ 07102

973/645-2700

SWC/PL AGR
2015R00240

September 14, 2017

Robert Stahl, Esq.
The Law Offices of Robert G. Stahl, LLC
220 St. Paul Street
Westfield, NJ 07090

Re: Plea Agreement with Paras Jha

Dear Mr. Stahl:

This letter sets forth the plea agreement between your client, Paras Jha, and the United States Attorney for the District of New Jersey ("this Office"). The government's offer to enter into this plea agreement will expire on September 29, 2017 if it is not accepted in writing by that date.

Charge

Conditioned on the understandings specified below, this Office will accept a guilty plea from Paras Jha to a one-count information, which charges him with committing computer fraud and related activity on Victim 1, in violation of 18 U.S.C. § 1030(a)(5)(A). If Paras Jha enters a guilty plea and is sentenced on this charge, and otherwise fully complies with all of the terms of this agreement, this Office will not initiate any further criminal charges against Paras Jha for committing acts of computer fraud and related activity on Victim 1 from November 2014 through September 2016. However, in the event that a guilty plea in this matter is not entered for any reason or the judgment of conviction entered as a result of this guilty plea does not remain in full force and effect, Paras Jha agrees that any dismissed charges and any other charges that are not time-barred by the applicable statute of limitations on the date this agreement is signed by Paras Jha may be commenced against him, notwithstanding the expiration of the limitations period after Paras Jha signs the agreement.

Sentencing

The violation of 18 U.S.C. § 1030(a)(5)(A) to which Paras Jha agrees to plead guilty carries a statutory maximum prison sentence of 10 years and a statutory maximum fine equal to the greatest of: (1) \$250,000; (2) twice the gross amount of any pecuniary gain that any persons derived from the offense;

or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense. Fines imposed by the sentencing judge may be subject to the payment of interest.

The sentence to be imposed upon Paras Jha is within the sole discretion of the sentencing judge, subject to the provisions of the Sentencing Reform Act, 18 U.S.C. §§ 3551-3742, and the sentencing judge's consideration of the United States Sentencing Guidelines. The United States Sentencing Guidelines are advisory, not mandatory. The sentencing judge may impose any reasonable sentence up to and including the statutory maximum term of imprisonment and the maximum statutory fine. This Office cannot and does not make any representation or promise as to what guideline range may be found by the sentencing judge, or as to what sentence Paras Jha ultimately will receive.

Further, in addition to imposing any other penalty on Paras Jha, the sentencing judge: (1) will order Paras Jha to pay an assessment of \$100 pursuant to 18 U.S.C. § 3013, which assessment must be paid by the date of sentencing; (2) must order Paras Jha to pay restitution pursuant to 18 U.S.C. §§ 3663 *et seq.*; (3) may order Paras Jha, pursuant to 18 U.S.C. § 3555, to give notice to any victims of his offense; (4) must order forfeiture, pursuant to 18 U.S.C. §§ 982(a)(2)(B) and 1030(i); and (5) pursuant to 18 U.S.C. § 3583, may require Paras Jha to serve a term of supervised release of not more than three years, which will begin at the expiration of any term of imprisonment imposed. Should Paras Jha be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, Paras Jha may be sentenced to not more than two years' imprisonment in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

In addition, Paras Jha agrees to make full restitution for all losses resulting from the offense of conviction or from the scheme, conspiracy, or pattern of criminal activity underlying that offense, to Victim 1 in the amount to be determined by the date of sentencing.

Rights of This Office Regarding Sentencing

Except as otherwise provided in this agreement, this Office reserves its right to take any position with respect to the appropriate sentence to be imposed on Paras Jha by the sentencing judge, to correct any misstatements relating to the sentencing proceedings, and to provide the

sentencing judge and the United States Probation Office all law and information relevant to sentencing, favorable or otherwise. In addition, this Office may inform the sentencing judge and the United States Probation Office of: (1) this agreement; and (2) the full nature and extent of Paras Jha's activities and relevant conduct with respect to this case.

Stipulations

This Office and Paras Jha agree to stipulate at sentencing to the statements set forth in the attached Schedule A, which hereby is made a part of this plea agreement. This agreement to stipulate, however, cannot and does not bind the sentencing judge, who may make independent factual findings and may reject any or all of the stipulations entered into by the parties. To the extent that the parties do not stipulate to a particular fact or legal conclusion, each reserves the right to argue the existence of and the effect of any such fact or conclusion upon the sentence. Moreover, this agreement to stipulate on the part of this Office is based on the information and evidence that this Office possesses as of the date of this agreement. Thus, if this Office obtains or receives additional evidence or information prior to sentencing that it determines to be credible and to be materially in conflict with any stipulation in the attached Schedule A, this Office shall not be bound by any such stipulation. A determination that any stipulation is not binding shall not release either this Office or Paras Jha from any other portion of this agreement, including any other stipulation. If the sentencing court rejects a stipulation, both parties reserve the right to argue on appeal or at post-sentencing proceedings that the sentencing court was within its discretion and authority to do so. These stipulations do not restrict the Government's right to respond to questions from the Court and to correct misinformation that has been provided to the Court.

Waiver of Appeal and Post-Sentencing Rights

As set forth in Schedule A, this Office and Paras Jha waive certain rights to file an appeal, collateral attack, writ, or motion after sentencing, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255.

Forfeiture

As part of his acceptance of responsibility, Paras Jha agrees to forfeit to the United States (i) pursuant to 18 U.S.C. §§ 982(a)(2)(B) and 1030(i), any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of the offenses charged in Count One of the

Information; and (ii) pursuant to 18 U.S.C. § 1030(i) any property that was used or intended to be used to commit or to facilitate the commission of the offenses charged in Count One of the Information. Such property includes, but is not limited to, all of defendant Paras Jha's right, title and interest in all the computers, media storage devices, and mobile phones listed in Schedule B to this agreement, which were seized pursuant to a search warrant on or about January 18, 2017 (the "Specific Property"), which Paras Jha admits has the requisite nexus to the computer fraud offense charged in Count One of the Information, and therefore are forfeitable to the United States of America pursuant to 18 U.S.C. §§ 982(a)(2)(B) and 1030(i).

Based on the foregoing, Paras Jha also consents to the entry of Preliminary Orders of Forfeiture and Interlocutory Orders of Sale as to the Specific Property pursuant to Rule 32.2(b) of the Federal Rules of Criminal Procedure. Paras Jha further consents to the administrative and/or civil judicial forfeiture of the Specific Property pursuant to 18 U.S.C. § 981 and/or 982. Paras Jha agrees that he will not file a claim or a petition for remission or mitigation in any forfeiture proceeding involving the Specific Property and will not cause or assist anyone else in doing so. To the extent Paras Jha has filed a claim or petition in any administrative or civil judicial forfeiture proceeding involving the Specific Property, such claims or petitions are hereby deemed withdrawn. Paras Jha further agrees to take all necessary steps to pass clear title to the Specific Property to the United States, including, but not limited to, the surrender of such property to the United States Marshals Service and the execution of all necessary documentation.

Paras Jha waives the requirements of Rules 32.2 and 43(a) of the Federal Rules of Criminal Procedure regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. Paras Jha understands that the forfeiture of the Specific Property, as well as any additional specific property that may be identified subsequent to the date of this agreement, is part of the sentence that may be imposed in this case and waives any failure by the court to advise him of this pursuant to Rule 11(b)(1)(J) of the Federal Rules of Criminal Procedure at the guilty plea proceeding. It is further understood that any forfeiture of Paras Jha's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon him in addition to forfeiture. Paras Jha hereby waives any and all claims that the forfeiture constitutes an excessive fine and agrees that the forfeiture does not violate the Eighth Amendment.

Paras Jha represents that he has disclosed all of his assets to the United States on the Financial Disclosure Statement he submitted to the

Office. Paras Jha agrees that if this Office determines that Paras Jha has intentionally failed to disclose assets on that Financial Disclosure Statement, that failure constitutes a material breach of this agreement. In addition, Paras Jha consents to the administrative, civil, and/or criminal forfeiture of his interests in any assets that he failed to disclose on the Financial Disclosure Statement. Should undisclosed assets that Paras Jha owns or in which Paras Jha has an interest be discovered, Paras Jha knowingly and voluntarily waives his right to any required notice concerning the forfeiture of said assets. Paras Jha further agrees to execute any documents necessary to effectuate the forfeiture of said assets. In addition, Paras Jha agrees to submit to a recorded deposition under oath regarding the sources of funds paid to him, directly or indirectly, and their disposition, if requested by this Office.

Immigration Consequences

Paras Jha understands that, if he is not a citizen of the United States, his guilty plea to the charged offenses will likely result in his being subject to immigration proceedings and removed from the United States by making him deportable, excludable, or inadmissible, or ending his naturalization. Paras Jha understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. Paras Jha wants and agrees to plead guilty to the charged offenses regardless of any immigration consequences of this plea, even if this plea will cause his removal from the United States. Paras Jha understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, Paras Jha waives any and all challenges to his guilty plea and to his sentence based on any immigration consequences, and agrees not to seek to withdraw his guilty plea, or to file a direct appeal or any kind of collateral attack challenging his guilty plea, conviction, or sentence, based on any immigration consequences of his guilty plea.

Other Provisions

This agreement is limited to the United States Attorney's Office for the District of New Jersey and cannot bind other federal, state, or local authorities. However, this Office will bring this agreement to the attention of other prosecuting offices, if requested to do so.

This agreement was reached without regard to any civil or administrative matters that may be pending or commenced in the future against Paras Jha. This agreement does not prohibit the United States, any agency thereof (including the Internal Revenue Service), or any third party from

initiating or prosecuting any civil or administrative proceeding against Paras Jha.

No provision of this agreement shall preclude Paras Jha from pursuing in an appropriate forum, when permitted by law, an appeal, collateral attack, writ, or motion claiming that Paras Jha received constitutionally ineffective assistance of counsel.

No Other Promises

This agreement constitutes the plea agreement between Paras Jha and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

Very truly yours,

WILLIAM E. FITZPATRICK
Acting United States Attorney



By: Shana W. Chen
Assistant U.S. Attorney

APPROVED:



Paul Murphy
Chief, Economic Crimes Unit


I have received this letter from my attorney, Robert Stahl, Esq. I have read it. My attorney and I have discussed it and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver, forfeiture, and immigration consequences. I understand this letter fully. I hereby accept its terms and conditions and acknowledge that it constitutes the plea agreement between the parties. I understand that no additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties. I want to plead guilty pursuant to this plea agreement.

AGREED AND ACCEPTED:


Paras Jha

Date: Oct 4th 2017

I have discussed with my client this plea agreement and all of its provisions, including those addressing the charge, sentencing, stipulations, waiver, forfeiture, and immigration consequences. My client understands this plea agreement fully and wants to plead guilty pursuant to it.


Robert Stahl, Esq.

Date: 10/4/17

Plea Agreement With Paras Jha

Schedule A

1. This Office and Paras Jha recognize that the United States Sentencing Guidelines are not binding upon the Court. This Office and Paras Jha nevertheless agree to the stipulations set forth herein, and agree that the Court should sentence Paras Jha within the Guidelines range that results from the total Guidelines offense level set forth below. This Office and Paras Jha further agree that neither party will argue for the imposition of a sentence outside the Guidelines range that results from the agreed total Guidelines offense level.

2. The version of the United States Sentencing Guidelines effective November 1, 2016, applies in this case. The applicable guideline is U.S.S.G. § 2B1.1. This guideline carries a Base Offense Level of 6.

3. Specific Offense Characteristic § 2B1.1(b)(1)(J) applies because the loss was more than \$3.5 million but not more than \$9.5 million. This Specific Offense Characteristic results in an increase of 18 levels.

4. Specific Offense Characteristic § 2B1.1(b)(10)(C) applies because the offense involved sophisticated means. This results in an increase of 2 levels.

5. Specific Offense Characteristic § 2B1.1(b)(18)(A)(ii) applies because Paras Jha violated 18 U.S.C. § 1030(a)(5)(A). This results in an increase of 4 levels.

6. As of the date of this letter, Paras Jha has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for the offense charged. Therefore, a downward adjustment of 2 levels for acceptance of responsibility is appropriate if Paras Jha's acceptance of responsibility continues through the date of sentencing. See U.S.S.G. § 3E1.1(a).

7. As of the date of this letter, Paras Jha has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently. If Paras Jha enters a plea pursuant to this agreement and qualifies for a 2-point reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a), and if in addition Paras Jha's

offense level under the Guidelines prior to the operation of § 3E1.1(a) is 16 or greater, Paras Jha will be entitled to a further 1-point reduction in his offense level pursuant to U.S.S.G. § 3E1.1(b).

8. In accordance with the above, the parties agree that the total Guidelines offense level applicable to Paras Jha is 27 (the “agreed total Guidelines offense level”).

9. The parties agree not to seek or argue for any upward or downward departure, adjustment or variance not set forth herein. The parties further agree that a sentence within the Guidelines range that results from the agreed total Guidelines offense level of 27 is reasonable.

10. Paras Jha knows that he has and, except as noted below in this paragraph, voluntarily waives, the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255, which challenges the sentence imposed by the sentencing court if that sentence falls within or below the Guidelines range that results from the agreed total Guidelines offense level of 27. This Office will not file any appeal, motion or writ which challenges the sentence imposed by the sentencing court if that sentence falls within or above the Guidelines range that results from the agreed total Guidelines offense level of 27. The parties reserve any right they may have under 18 U.S.C. § 3742 to appeal the sentencing court’s determination of the criminal history category. The provisions of this paragraph are binding on the parties even if the Court employs a Guidelines analysis different from that stipulated to herein. Furthermore, if the sentencing court accepts a stipulation, both parties waive the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing court erred in doing so.

11. Both parties reserve the right to oppose or move to dismiss any appeal, collateral attack, writ, or motion barred by the preceding paragraph and to file or to oppose any appeal, collateral attack, writ or motion not barred by the preceding paragraph.