

# NEGOTIATED PLEA

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SEP 12 1995

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

## FILE COPY

CRIMINAL NO. 1:94-CR-226 LUTHER D. THOMAS, Clerk  
By: CT

Deputy Clerk

Suleiman A. Nassar, defendant, having received a copy of the above-numbered (INDICTMENT), has agreed to PLEAD GUILTY to COUNT(S) TWO thereof. The defendant, his counsel, and counsel for the United States, subject to approval by the COURT, HAVE AGREED UPON A negotiated plea in this case, the terms of which are as follows: See the attached plea agreement.

FILED  
In Open Court this 12<sup>th</sup> day of SEPTEMBER, 1995. \* Retroactive to March 21, 1995

Roger E. Zuckerman  
SIGNATURE (Attorney for Defendant)  
ROGER ZUCKERMAN

Suleiman A. Nassar  
SIGNATURE (Defendant)  
SULEIMAN A. NASSAR

Martin J. Weinstein  
SIGNATURE (Assistant U.S. Attorney)  
MARTIN J. WEINSTEIN

Nicolette Templer  
SIGNATURE (Assistant U.S. Attorney)  
NICOLETTE TEMPLER

Sally Quillian Yates  
SIGNATURE (Approving Official)  
SALLY QUILLIAN YATES

DATE \_\_\_\_\_

INFORMATION BELOW MUST BE TYPED OR PRINTED

ROGER ZUCKERMAN  
NAME (Attorney for Defendant)

1201 CONNECTICUT AVENUE, N.W.  
STREET

WASHINGTON, D.C. 20036  
CITY & STATE ZIP CODE

PHONE NUMBER 202/778-1802

STATE BAR OF GEORGIA NUMBER \_\_\_\_\_

SULEIMAN A. NASSAR  
NAME (Defendant)

\_\_\_\_\_  
STREET

\_\_\_\_\_  
CITY & STATE ZIP CODE

PHONE NUMBER \_\_\_\_\_

Filed in Open Court \_\_\_\_\_

By \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA :  
 :  
 v. : CRIMINAL ACTION  
 :  
 SULEIMAN A. NASSAR : NO. 1:94-CR-226  
 :

PLEA AGREEMENT

The United States of America, by its counsel, Janet F. King, Acting United States Attorney for the Northern District of Georgia, and Martin J. Weinstein and Nicolette Templer, Assistant United States Attorneys, and the defendant, Suleiman A. Nassar, by his attorney, Roger E. Zuckerman agree as follows:

1. Suleiman A. Nassar (hereinafter referred to as "defendant") will enter a factual plea of guilty to Count Two of the Indictment which charges him with a violation of 15 U.S.C. § 78 dd-1(a)(1).

2. The United States will recommend that the Court sentence the defendant to the lowest end of the appropriate range of the United States Sentencing Guidelines (hereinafter referred to as the "Guidelines"). The parties reserve the right to fully inform the Court and the United States Probation Office of all the facts and circumstances surrounding the entire case. The parties further reserve the right to contest and appeal any or all of the following: 1) an incorrect finding of fact; 2) an incorrect

application of the Sentencing Guidelines; 3) a sentence departure; 4) a collateral attack on the conviction; and 5) a collateral attack on the sentence.

3. For purposes of applying the Guidelines, the United States and the defendant agree that the offense of conviction occurred prior to November 1, 1989; therefore, the Fraud Table of the Guidelines in effect prior to November 1, 1989, applies for purposes of calculating the appropriate Guidelines offense level, and they further agree that the offense involves a bribe within the meaning of Guideline § 2B4.1 of an amount between \$1,000,001 and \$2,000,000.

4. The Government will recommend that the defendant receive the two-level adjustment for acceptance of responsibility; however, the Government's obligation to recommend acceptance of responsibility pursuant to this plea agreement is contingent upon defendant's continuing manifestation of acceptance of responsibility. Should the defendant deny his involvement, give conflicting statements as to his involvement or engage in additional related criminal conduct, the Government shall not be bound to recommend acceptance of responsibility.

5. The United States and the defendant further agree that other than the two-level downward adjustment for acceptance of responsibility required by paragraph 4 herein, they will not recommend any additional upward or downward adjustment of the offense level.

6. The parties also agree to recommend that a fine in the amount of \$125,000 should be imposed.

7. The United States Attorney's Office for the Northern District of Georgia will recommend to the Court and to the Bureau of Prisons that the defendant serve any sentence of incarceration imposed at a Level I institution, that is, a camp.

8. The United States Attorney's Office for the Northern District of Georgia and the defendant agree to recommend that any time spent by the defendant incarcerated in Syria in 1994 should count against, and serve to reduce by an equal amount of time, any sentence imposed by the Court. The parties request that the Court recommend to the Bureau of Prisons that, pursuant to 18 U.S.C. §3585(b)(2), it extend full credit for any verifiable period of incarceration in Syria.

9. The United States will not object to a recommendation by the defendant that it be made a condition of any period of supervised release imposed that the defendant may reside or travel outside of the United States in a country or countries of his choosing.

10. The United States Attorney's office for the Northern District of Georgia and the defendant agree to recommend that the fine and assessment shall be paid from assets now frozen immediately upon entry of judgment or as soon thereafter as can be effectuated. The parties agree that defendant shall be allowed to structure payment of the fine and the assessment to minimize any

penalty that may arise from use of assets from untaxed pension accounts. Upon payment of the fine and assessment, the United States shall release from any and all claims such assets that are currently involved with, or affected by, any proceeding related to the defendant. In this regard, the United States also agrees to dismiss the Federal Debt Collection Procedure Act proceeding filed in the United States District Court for the District of Columbia, Civil Action No. 1:94-CV-01765 (WBB).

11. The United States Attorney's Office for the Northern District of Georgia and the defendant agree to recommend that the Court should postpone its decision on whether to accept this Plea Agreement until time of sentencing and, in accordance with Rule 11(e)(4), Fed. R. Crim. Proc., announce at that time whether the Court rejects or accepts the Plea Agreement and afford the defendant the opportunity to then withdraw the plea. If the defendant, at that time, should elect to withdraw this plea, the United States Attorney's Office for the Northern District of Georgia will not object to such withdrawal. Further, in that event, the government will not seek pretrial detention of the defendant, but, rather, will permit him to remain on bond pending trial and ultimate disposition of his case.

12. The Office of the United States Attorney for the Northern District of Georgia agrees that it will not further prosecute or otherwise proceed against the defendant for any matter arising out of, or relating to, any event or circumstance now known to it

regarding the defendant's conduct during or after his employment with the Lockheed Corporation.

13. The Office of the United States Attorney for the Northern District of Georgia agrees that it will not prosecute or proceed against any member of the defendant's family for any matter arising out of, or relating to, any event or circumstance now known to it as a consequence of the investigation, indictment or prosecution of this case. The United States further agrees that it will withdraw any and all material witness warrants for any member of defendant's family, and that it will cease and dismiss any and all actions and proceedings of whatever nature concerning any property or assets of the defendant or his family arising from or relating to this case, including the Federal Debt Collection Procedure Act proceeding filed in the United States District court for the District of Columbia, Civil Action No. 1:94-CV-01765 (WBB).

14. Both the United States and the defendant, to the extent that he is permitted to respond by his counsel, shall be required to respond honestly and truthfully to such inquiries from the Court and the Probation Office as may be required to implement this Agreement.

15. Each person who signs this Plea Agreement in a representative capacity warrants that he/she is duly authorized to do so.


16. This Plea Agreement may be executed in more than one counterpart, each of which shall constitute an original and all of which shall constitute one and the same Agreement.


17. This Plea Agreement may not be altered, amended, modified or otherwise changed except by a writing duly executed by each of the parties.

18. No additional promises, agreement, or conditions other than those referenced in this Plea Agreement will be entered unless in writing and signed by all parties.

Dated this 9<sup>th</sup> day of AUGUST, 1995.  
RETROACTIVE TO MARCH 21, 1995  
Respectfully submitted,

JANET F. KING  
ACTING UNITED STATES ATTORNEY

  
MARTIN J. WEINSTEIN  
ASSISTANT UNITED STATES ATTORNEY  
Georgia Bar Number: 476379  
Telephone (404) 331-3709

  
NICOLETTE TEMPLER  
ASSISTANT UNITED STATES ATTORNEY  
Georgia Bar Number: 701825  
Telephone (404) 331-6584