MHH

FILED

JUN 19 2009
6-19-2009
Judge Samuel Der-Yeghiayan
U.S. District Court

**UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF ILLINOIS**
**EASTERN DIVISION**

| | | |
|---|---|---|
| UNITED STATES OF AMERICA, | ) | **Criminal No. 08-669(1)** |
| | ) | **Judge Der-Yeghiayan** |
| v. | ) | 08CR669 |
| | ) | |
| | ) | Count One: 18 U.S.C. § 371 |
| CHRISTOPHER P. WEST, | ) | (Conspiracy) |
| | ) | |
| Defendant. | ) | Count Two: 18 U.S.C. § 201(b)(2) |
| | ) | (Bribery) |
| | ) | |
| | ) | Count Four: 18 U.S.C. 371 |
| | ) | (Conspiracy) |
| | ) | |
| | ) | Count Five: 18 U.S.C. § 201(b)(2) |
| | ) | (Bribery) |
| | ) | |
| | ) | Count Seven: 18 U.S.C. § 371 |
| | ) | (Conspiracy) |
| | ) | |
| | ) | Count Eight: 18 U.S.C. § 201(b)(2) |
| | ) | (Bribery) |
| | ) | |
| | ) | Count Ten: 18 U.S.C. § 371 |
| | ) | (Conspiracy) |
| | ) | |
| | ) | Count Fourteen: 18 U.S.C. § 1349 |
| | ) | (Conspiracy To Commit Mail Fraud) |
| | ) | |
| | ) | Criminal Forfeiture: |
| | ) | 18 U.S.C. § 981(a)(1)(C) |
| | ) | 28 U.S.C. § 2461(c) |

## PLEA AGREEMENT

The United States of America and CHRISTOPHER P. WEST ("defendant") and defendant's counsel hereby enter into the following Plea Agreement pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure ("Fed. R. Crim. P.")

## RIGHTS OF DEFENDANT

1. Defendant understands his rights:

(a) to be represented by an attorney;

(b) to be charged by Indictment;

(c) to plead not guilty to any criminal charge brought against him;

(d) to have a trial by jury, at which he would be presumed not guilty of the charges and the United States would have to prove every essential element of the charged offenses beyond a reasonable doubt for him to be found guilty;

(e) to confront and cross-examine witnesses against him and to subpoena witnesses in his defense at trial;

(f) not to be compelled to incriminate himself;

(g) to appeal his conviction, if he is found guilty; and

(h) to appeal the imposition of sentence against him.

## AGREEMENT TO PLEAD GUILTY AND WAIVE CERTAIN RIGHTS

2. Defendant knowingly and voluntarily waives the rights set out in Paragraph 1(b)-(g) above, and all jurisdictional and venue defenses to the prosecution of this case, and agrees voluntarily to consent to the jurisdiction of the United States to prosecute this case against him in the United States District Court for the Northern District of Illinois. Defendant also knowingly and 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. §§ 2241 or 2255, that challenges the sentence imposed by the Court, unless the sentence

imposed by the Court constitutes an upward departure from the Guideline range deemed applicable by the Court, as described in Paragraph 10, in which case defendant's appeal will be expressly limited to contesting the upward departure. This agreement does not affect the rights or obligations of the United States as set forth in 18 U.S.C. § 3742(b), (c). Defendant will plead guilty to the Superseding Indictment to be filed in the United States District Court for the Northern District of Illinois, charging defendant in Counts One, Four, and Seven with conspiracy to commit an offense against the United States, to wit bribery, in violation of 18 U.S.C. § 371; in Counts Two, Five, and Eight with bribery in violation of 18 U.S.C. § 201(b)(2); in Count Ten with conspiracy to commit an offense against the United States, to wit bribery, and to defraud the United States in violation of 18 U.S.C. § 371; and in Count Fourteen with conspiracy to commit mail fraud in violation of 18 U.S.C. § 1349. Defendant admits that, as charged in Counts One, Four, and Seven of the Superseding Indictment, he knowingly and unlawfully conspired, combined, confederated, and agreed with others, known and unknown, to commit bribery and that defendant and his co-conspirators performed overt acts in furtherance of each conspiracy. Defendant further admits that, as charged in Counts Two, Five, and Eight of the Superseding Indictment, as a public official, he knowingly and unlawfully, directly and indirectly, corruptly sought, received, accepted, and agreed to receive and accept money in return for being influenced in the performance of official acts, and in return for being induced to do and omit to do acts in violation of a lawful duty. Defendant further admits that, as charged in Count Ten of the Superseding Indictment, he knowingly and unlawfully conspired, combined, confederated, and agreed with others, known and unknown, to commit bribery and to defraud the United States and that defendant and his co-conspirators performed overt acts in furtherance of each conspiracy.

Defendant finally admits that, as charged in Count Fourteen of the Superseding Indictment, he knowingly and unlawfully combined, conspired, confederated, and agreed with others, known and unknown, to commit mail fraud by devising and intending to devise a scheme and artifice to defraud the United States of defendant's and Person A's honest services by means of materially false and fraudulent pretenses, representations and promises. Defendant is pleading guilty because he is guilty and understands that he will be adjudicated guilty of these offenses.

3. Defendant, pursuant to the terms of this Plea Agreement, will plead guilty to the criminal charges described in Paragraph 2 above and will make a factual admission of guilt to the Court in accordance with Fed. R. Crim. P. 11, as set forth in Paragraph 4 below. Defendant agrees that the facts set forth in Paragraph 4 establish his guilt beyond a reasonable doubt.

## FACTUAL BASIS FOR OFFENSE CHARGED

4. Had this case gone to trial, the United States would have presented evidence sufficient to prove the following facts:

(a) For the purposes of this Plea Agreement, the "relevant period" is that period from in or about March 2004 until at least in or about August 2008. During the relevant period, the United States Department of Defense ("DOD") operated a military base at Bagram Airfield ("BAF"), Afghanistan. Defendant, an Army Major with the Illinois National Guard 33rd Area Support Group ("ASG"), was deployed to BAF on or around March 29, 2004, and assigned as the "S4," or head of Base Operations, where he served until in or around March 2005. Defendant worked at Base Operations with an Assistant S4, Person A, a fellow member of the Illinois National Guard 33rd ASG. As a member of the United States Army, Illinois National Guard, defendant was a public

official within the meaning of 18 U.S.C. § 201(a)(1).

(b) As the S4, defendant received requests for acquisition from different military components at BAF and sought approval for those requests. Among other things, defendant worked on the acquisition of bunkers and barriers and asphalt paving services. Bunkers and barriers are cement structures used for force protection and perimeter walls.

(c) During the relevant period, Patrick W. Boyd ("Boyd"), an Air Force Master Sergeant with the 496th Air Base Squadron, was a Contracting Officer at BAF from on or about September 20, 2004, until on or about January 23, 2005. Among other things, Boyd awarded contracts for bunkers and barriers and asphalt paving services at BAF.

(d) During the relevant period, Assad John Ramin ("John Ramin") and Tahir Ramin owned or operated military contracting businesses, including AZ Corporation ("AZ") and Top's Construction ("Top's"), that contracted with DOD to supply BAF with, among other things, bunkers and barriers.

(e) During the relevant period, Noor Alam ("Alam") owned the military contracting business Northern Reconstruction Organization ("NRO") that contracted with DOD to supply BAF with, among other things, bunkers and barriers and asphalt paving services. Likewise, Abdul Qudoos Bakhshi ("Qudoos") owned the military contracting business Naweed Bakhshi Company ("NBC") that contracted with DOD to supply BAF with, among other things, bunkers and barriers and asphalt paving services.

(f) During the relevant period, defendant knowingly and unlawfully combined, conspired, confederated, and agreed with Boyd, Person A, and others to commit an offense against the United States, namely bribery, by directly and indirectly, corruptly seeking,

receiving, accepting, and agreeing to receive and accept things of value, that is, cash, in return for being influenced in the performance of official acts, and in return for being induced to do and omit to do acts in violation of official duty, including the award of a DOD contract for bunkers and barriers to Top's, and defendant and his co-conspirators took overt acts to effect the illegal goals and purposes of this conspiracy.

(g) As part of this conspiracy, on or about October 21, 2004, Boyd awarded DOD bunkers and barriers contract #W913TY-05-D-0001 to Top's, with a minimum order amount of $100,000, and in return, in or about October 2004, defendant, Boyd, and Person A received $30,000 in cash, which they divided.

(h) During the relevant period, defendant, as a public official, directly and indirectly corruptly sought, received, accepted, and agreed to receive and accept things of value from John Ramin, Tahir Ramin, and Top's, in return for being influenced in the performance of official acts and in return for being induced to do or omit to do acts in violation of official duty; that is, defendant corruptly sought, received, accepted, and agreed to receive and accept $30,000 cash from John Ramin and Tahir Ramin in return for awarding DOD bunkers and barriers contract #W913TY-05-D-0001 to Top's.

(i) During the relevant period, defendant knowingly and unlawfully combined, conspired, confederated, and agreed with Boyd, Person A, and others to commit an offense against the United States, namely bribery, by directly and indirectly, corruptly seeking, receiving, accepting, and agreeing to receive and accept things of value, that is, cash, in return for being influenced in the performance of official acts, and in return for being induced to do and omit to do acts in violation of official duty, including awarding DOD

contracts to and performing contracting actions for NRO, and defendant and his co-conspirators took overt acts to effect the illegal goals and purposes of this conspiracy.

(j) As part of this conspiracy, in return for awarding DOD contracts to and performing contracting actions for NRO, in or about Fall 2004, defendant, Boyd, and Person A received $30,000 in cash, which they divided.

(k) During the relevant period, defendant, as a public official, directly and indirectly, corruptly sought, received, accepted, and agreed to receive and accept things of value from Alam and NRO in return for being influenced in the performance of official acts and in return for being induced to do and omit to do acts in violation of official duty; that is, defendant corruptly sought, received, accepted, and agreed to receive and accept $30,000 cash from Alam and NRO in return for awarding DOD contracts to and performing contracting actions for NRO.

(l) During the relevant period, defendant knowingly and unlawfully combined, conspired, confederated, and agreed with Boyd, Person A, and others to commit an offense against the United States, namely bribery, by directly and indirectly, corruptly seeking, receiving, accepting, and agreeing to receive and accept things of value, that is, cash, in return for being influenced in the performance of official acts, and in return for being induced to do and omit to do acts in violation of official duty, including the award of a DOD contract for asphalt paving services to NBC, and defendant and his co-conspirators took overt acts to effect the illegal goals and purposes of this conspiracy.

(m) As part of this conspiracy, on or about October 23, 2004, Boyd awarded DOD asphalt paving contract #W913TY-05-D-0005 to NBC, and in return, in or about

October 2004, defendant, Boyd, and Person A received $30,000 in cash, which they divided.

(n) During the relevant period, defendant, as a public official, directly and indirectly, corruptly sought, received, accepted, and agreed to receive and accept things of value from Qudoos and NBC in return for being influenced in the performance of official acts and in return for being induced to do and omit to do acts in violation of official duty; that is, defendant corruptly sought, received, accepted, and agreed to receive and accept $30,000 cash from Qudoos and NBC in return for awarding DOD asphalt paving contract #W913TY-05-D-0005 to NBC.

(o) During the relevant period, defendant knowingly and unlawfully combined, conspired, confederated, and agreed with John Ramin, Tahir Ramin, AZ, Top's, Alam, NRO, Qudoos, and NBC and others to defraud the United States and to commit an offense against the United States, namely bribery, by directly and indirectly, corruptly seeking, receiving, accepting, and agreeing to receive and accept things of value, that is, among other things, cash, in return for being influenced in the performance of official acts, in return for being influenced to commit and aid in committing, and to collude in, and allow, fraud, and make opportunity for the commission of fraud, on the United States, and in return for being induced to do and omit to do acts in violation of official duty, by fraudulently inflating the number of bunkers and barriers delivered to BAF and profiting in the resulting overpayments made by DOD.

(p) As part of this conspiracy, defendant, Person A, and others fraudulently inflated the number of bunkers and barriers delivered to BAF and permitted AZ, Top's,

NRO, and NBC to receive payment for the inflated deliveries. Defendant, Person A, John Ramin, Tahir Ramin, Alam, Qudoos, and others then split the resulting overpayments by DOD, thereby obtaining money falsely and fraudulently from the United States.

(q) During the relevant period, defendant knowingly and unlawfully combined, conspired, confederated, and agreed with John Ramin, Tahir Ramin, AZ, Top's, Alam, NRO, Qudoos, NBC, and others to commit mail fraud by devising and intending to devise a scheme and artifice to defraud the United States of defendant's and Person A's honest services by means of materially false and fraudulent pretenses, representations and promises; and for the purpose of executing such scheme and artifice, defendant and his co-conspirators did place in a post office and authorized depositary for mail matter a thing to be sent and delivered by the Postal Service, and deposited and caused to be deposited a thing to be sent and delivered by commercial interstate carriers.

(r) As part of the conspiracy, from approximately September 2004 until January 2005, defendant and Person A sent numerous boxes containing cash, via United States Postal Service and DHL, from Afghanistan to the United States for the purposes of executing the scheme and artifice to defraud.

(s) During the relevant period, defendant accepted more than one bribe.

(t) During the relevant period, the loss to the government from the offenses was at least more than $400,000 but less than $1,000,000.

(u) The offenses involved public officials, including defendant and others, in high-level decision-making and sensitive positions.

**POSSIBLE MAXIMUM SENTENCE**

5. Defendant understands that the statutory maximum penalties which may be imposed against him upon conviction for a violation of 18 U.S.C. § 371 are:

(a) a term of imprisonment for five (5) years (18 U.S.C. § 371);

(b) a fine in an amount equal to the greatest of: (1) $250,000; (2) twice the gross pecuniary gain derived from the crime; or (3) twice the gross pecuniary loss caused to the victims of the crime; and

(c) a term of supervised release of not more than three years following any term of imprisonment. If defendant violates any condition of supervised release, defendant could be required to serve the entire term of supervised release in prison. 18 U.S.C. §§ 3559(a)(3); 3583(b)(2) and (e)(3); and United States Sentencing Guidelines ("U.S.S.G.," "Sentencing Guidelines," or "Guidelines") § 5D1.2(a)(2).

6. Defendant understands that the statutory maximum penalties which may be imposed against him upon conviction for a violation of 18 U.S.C. § 201(b)(2) are:

(a) a term of imprisonment for fifteen (15) years (18 U.S.C. § 201(b));

(b) a fine in an amount equal to the greater of $250,000 or three times the monetary equivalent of the thing of value (18 U.S.C. § 201(b)); and

(c) a term of supervised release of not more than three years following any term of imprisonment. If defendant violates any condition of supervised release, defendant could be required to serve the entire term of supervised release in prison. 18 U.S.C. §§ 3559(a)(3); 3583(b)(2) and (e)(3); and U.S.S.G. § 5D1.2(a)(2).

7. Defendant understands that the statutory maximum penalties which may be imposed against him upon conviction for a violation of 18 U.S.C. § 1349 are:

(a) a term of imprisonment for twenty (20) years (18 U.S.C. § 1349);

(b) a fine in an amount equal to the greatest of: (1) $250,000; (2) twice the gross pecuniary gain derived from the crime; or (3) twice the gross pecuniary loss caused to the victims of the crime; and

(c) a term of supervised release of not more than three years following any term of imprisonment. If defendant violates any condition of supervised release, defendant could be required to serve the entire term of supervised release in prison. 18 U.S.C. §§ 3559(a)(3); 3583(b)(2) and (e)(3); and U.S.S.G. § 5D1.2(a)(2).

8. In addition, defendant understands that:

(a) pursuant 18 U.S.C. §§ 3663(a)(3) or 3583(d), the Court shall order him to pay restitution to the victims of the offense; and

(b) pursuant to 18 U.S.C. § 3013(a)(2)(A), the Court is required to order defendant to pay a $800.00 special assessment upon conviction.

## SENTENCING GUIDELINES

9. Defendant understands that the Sentencing Guidelines are advisory, not mandatory, and that the Court must consider the Guidelines in effect on the day of sentencing, along with the other factors set forth in 18 U.S.C. § 3553(a), in determining and imposing sentence. Defendant understands that the Guidelines determinations will be made by the Court by a preponderance of the evidence standard. Defendant understands that although the Court is not ultimately bound to impose a sentence within the applicable Guidelines range, its sentence must be reasonable based upon consideration of the sentencing factors set forth in 18 U.S.C. § 3553(a). Defendant agrees that this Plea Agreement, along with the record that will be created by the United States and

defendant at the plea hearing and any sentencing memorandum, will provide sufficient information concerning defendant, the crimes charged, and defendant's role in the crimes to enable the meaningful exercise of the Court's sentencing authority as required by 18 U.S.C. § 3553.

## SENTENCING AGREEMENT

10. For purposes of calculating the sentence directed by the Sentencing Guidelines, the United States and defendant agree to recommend the following calculation, which the parties agree provides a fair, just, and reasonable resolution of this matter:

(a) The November 1, 2008, edition of the Guidelines applies;

(b) Counts One, Two, Four, Five, Seven, Eight, Ten, and Fourteen of the Superseding Indictment group pursuant to U.S.S.G. § 3D1.2(d), and the controlling Guideline applicable to all Counts is U.S.S.G. § 2C1.1;

(c) Pursuant to Guideline § 2C1.1(a)(1), the base offense level is 14;

(d) The offenses involved more than one bribe, and therefore, a two-level increase is appropriate pursuant to U.S.S.G. § 2C1.1(b)(1);

(e) The loss to the government from the offenses was at least more than $400,000 but less than $1,000,000, and thus a fourteen-level increase is appropriate pursuant to U.S.S.G. §§ 2C1.1(b)(2) and 2B1.1(b)(1)(H);

(f) The offenses involved public officials, defendant and others, in high-level decision-making and sensitive positions, and thus, an additional four-level increase is appropriate pursuant to U.S.S.G. § 2C1.1(b)(3); and

(g) The Combined Offense Level is 34.

11. In the event the United States learns of information between the date of this Plea

Agreement and the date of sentencing that, together with the information currently in the possession of the United States, persuades the United States that such an adjustment would be appropriate, the United States reserves the right to argue for the application of a two-level adjustment under U.S.S.G. § 3C1.1, Obstructing and Impeding the Administration of Justice. Defendant reserves his right to oppose any such adjustment.

12. The United States does not oppose a two-level reduction in defendant's combined offense level, based upon defendant's apparent prompt recognition and affirmative acceptance of personal responsibility for his criminal conduct. If the Court determines defendant's offense level to be 16 or greater prior to the operation of U.S.S.G. § 3E1.1(a), the United States agrees to make a motion under U.S.S.G. § 3E1.1(b) for an additional one-level decrease in recognition of defendant's timely notification of his intention to plead guilty. The United States may oppose any adjustment for acceptance of responsibility if defendant (a) fails to admit each and every item in the factual stipulation; (b) denies involvement in the offense; (c) gives conflicting statements about his involvement in the offense; (d) is untruthful with the Court, the United States, or the Probation Office; (e) obstructs or attempts to obstruct justice; (f) engages in any criminal conduct between the date of this agreement and the date of sentencing; or (g) attempts to withdraw his plea of guilty.

13. Defendant understands that there is no agreement as to the sentencing provisions set out in Chapter Four of the Guidelines, and that the foregoing sentencing guidelines calculations could change based upon his criminal history category, or if he is a career offender, or if the instant offense was part of a pattern of criminal conduct from which he derived a substantial portion of his income.

14. The United States and defendant agree that with respect to the calculation of the

advisory Guidelines range, no other offense characteristics, Sentencing Guidelines factors, potential departures or adjustments as set forth in Chapters 2, 3, 4, or 5 of the Sentencing Guidelines will be raised, argued, or are in dispute.

15. If the United States determines that defendant has provided substantial assistance in any investigation or prosecution, and has otherwise fully complied with all of the terms of this Plea Agreement, it will file a motion, pursuant to U.S.S.G. § 5K1.1, advising the sentencing judge of all the relevant facts pertaining to that determination and requesting the Court to sentence defendant in light of the factors set forth in U.S.S.G. § 5K1.1(a)(1)-(5). Defendant acknowledges that the decision whether he has provided substantial assistance in any investigation or prosecution, and has otherwise fully complied with all of the terms of this Plea Agreement, is within the sole discretion of the United States, and further agrees that he will not contest the departure level recommended by the United States, if the United States makes a motion pursuant to U.S.S.G. § 5K1.1. It is understood that should the United States determine that defendant has not provided substantial assistance in any investigations or prosecutions, or should the United States determine that defendant has violated any provision of this Plea Agreement, such a determination will release the United States from any obligation to file a motion pursuant to U.S.S.G. § 5K1.1, but will not entitle defendant to withdraw his guilty plea once it has been entered. Defendant further understands that whether or not the United States files a motion pursuant to U.S.S.G. § 5K1.1, the sentence to be imposed on him remains within the sole discretion of the sentencing judge.

16. Subject to the ongoing, full, and truthful cooperation of defendant described in

Paragraph 23 of this Plea Agreement, and before sentencing in the case, the United States will fully advise the Court and the Probation Office of the fact, manner, and extent of defendant's cooperation and his commitment to prospective cooperation with the United States's investigations and prosecutions, all material facts relating to defendant's involvement in the charged offense, and all other relevant conduct. To enable the Court to have the benefit of all relevant sentencing information, the United States may request, and defendant will not oppose, that sentencing be postponed until his cooperation is substantially completed.

17. Defendant, his attorney, and the United States acknowledge and agree that the above calculations are preliminary in nature and based on facts known to the United States as of the time of this Plea Agreement. Defendant understands that the Probation Office will conduct its own investigation and that the Court ultimately determines the facts and law relevant to sentencing, and that the Court's determinations govern the final Guidelines calculation. The validity of this Plea Agreement is not contingent upon the probation officer's or the Court's concurrence with the above calculations and defendant has no right to withdraw his Plea Agreement if the probation officer or the Court do not agree or concur with the calculations, stipulations, or recommendations of the parties. Defendant further understands that, as provided in Federal Rule of Criminal Procedure 11(c)(3)(B), if the Court does not impose a sentence consistent with the calculations, stipulations, or recommendations contained in this Plea Agreement, he nevertheless has no right to withdraw his plea of guilty.

## RESTITUTION

18. Defendant agrees to the entry of a restitution order for the full amount of the victim's losses pursuant to 18 U.S.C. §§ 3556, 3663A(c)(1)(A)(ii), and 3664(f)(1)(A). The

United States agrees not to oppose the imposition of a reasonable payment schedule, as directed by the Court after its review of the factors enumerated in 18 U.S.C. § 3664. The United States and defendant agree that they are aware of restitution owed for the following actual losses:

(a) $500,000 to the United States Department of Defense.

**FORFEITURE**

19. Defendant agrees to identify all assets over which defendant exercises or exercised control, directly or indirectly, within the past four (4) years or has or had during that time any financial interest. Defendant agrees to take all steps as requested by the United States to obtain from any other parties by any lawful means any records of assets owned at any time by defendant. Defendant agrees to undergo any polygraph examination the United States may choose to administer concerning such assets and to provide and/or consent to the release of the defendant's tax returns for the previous five years.

20. Defendant agrees to forfeit all interests in any bribery-, fraud-, and conspiracy-related asset that defendant currently owns, has previously owned or over which defendant currently, or has in the past, exercised control, directly or indirectly, and any property defendant has transferred, as well as any property that is traceable to, derived from, fungible with, or a substitute for property that constitutes the proceeds of his offenses.

21. Defendant further agrees to waive all interest in any such asset in any administrative or judicial forfeiture proceeding, whether criminal or civil, state or federal. Defendant agrees to consent to the entry of orders of forfeiture for such property and waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in

the judgment. Defendant acknowledges that he understands that the forfeiture of assets is part of the sentence that will be imposed in this case and waives any failure by the Court to advise him of this fact, pursuant to Rule 11(b)(1)(J), at the time his guilty plea is accepted.

22. Defendant further agrees to waive all constitutional and statutory challenges in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Plea Agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment. Defendant agrees to take all steps as requested by the United States to pass clear title to forfeitable assets to the United States and to testify truthfully in any judicial forfeiture proceeding.

**DEFENDANT'S COOPERATION**

23. Defendant will cooperate fully and truthfully with the United States in the prosecution of this case, the investigation of violations of federal criminal laws involving illegal activity at Bagram Airfield or elsewhere in Afghanistan, any other federal investigation resulting therefrom, and any litigation or other proceeding arising or resulting from any such investigation to which the United States is a party ("Relevant Proceeding"). The ongoing, full, and truthful cooperation of defendant shall include, but not be limited to:

(a) producing all non-privileged documents, including claimed personal documents, and other materials, wherever located, in the possession, custody, or control of defendant, requested by attorneys and agents of the United States;

(b) making himself available for interviews, not at the expense of the United States, upon the request of the United States;

(c) responding fully and truthfully to all inquiries of the United States in

connection with any Relevant Proceeding, without falsely implicating any person or intentionally withholding any information, subject to the penalties of making false statements (18 U.S.C. § 1001) and obstruction of justice (18 U.S.C. § 1503);

(d) otherwise voluntarily providing the United States with any non-privileged material or information, not requested in (a) - (c) of this paragraph, that he may have that is related to any Relevant Proceeding; and

(e) when called upon to do so by the United States in connection with any Relevant Proceeding, testifying in grand jury, trial, and other judicial proceedings fully, truthfully, and under oath, subject to the penalties of perjury (18 U.S.C. § 1621), making false statements or declarations in grand jury or court proceedings (18 U.S.C. § 1623), contempt (18 U.S.C. §§ 401-02), and obstruction of justice (18 U.S.C. § 1503 et seq.).

## GOVERNMENT'S AGREEMENT

24. Subject to the full, truthful, and continuing cooperation of defendant, as described in Paragraph 23 of this Plea Agreement, and upon the Court's acceptance of the guilty plea called for by this Plea Agreement and the imposition of the sentence, the United States will not bring further criminal charges against defendant for any act or offense committed before the date of this Plea Agreement that was undertaken in furtherance of the crimes arising from the facts set forth in Counts One, Two, Four, Five, Seven, Eight, Ten, and Fourteen of the Superseding Indictment and in this Plea Agreement ("Relevant Offenses"). The nonprosecution terms of this paragraph do not apply to civil matters of any kind, to any violation of the federal tax or securities laws, or to any crime of violence.

## REPRESENTATION BY COUNSEL

25. Defendant has reviewed all legal and factual aspects of this case with his attorney and is fully satisfied with his attorney's legal representation. Defendant has thoroughly reviewed this Plea Agreement with his attorney and has received satisfactory explanations from his attorney concerning each paragraph of this Plea Agreement and alternatives available to defendant other than entering into this Plea Agreement. After conferring with his attorney and considering all available alternatives, defendant has made a knowing and voluntary decision to enter into this Plea Agreement.

## VOLUNTARY PLEA

26. Defendant's decision to enter into this Plea Agreement and to tender a plea of guilty is freely and voluntarily made and is not the result of force, threats, assurances, promises, or representations other than the representations contained in this Plea Agreement. The United States has made no promises or representations to defendant as to whether the Court will accept or reject the recommendations contained within this Plea Agreement.

## VIOLATION OF PLEA AGREEMENT

27. Defendant agrees that should the United States determine in good faith, during the period that any Relevant Proceeding is pending, that defendant has failed to provide full and truthful cooperation, as described in Paragraph 23 of this Plea Agreement, or has otherwise violated any provision of this Plea Agreement, the United States will notify defendant or his counsel in writing by personal or overnight delivery or facsimile transmission and may also notify his counsel by telephone of its intention to void any of its obligations under this Plea Agreement (except its obligations under this paragraph), and defendant shall be subject to

prosecution for any federal crime of which the United States has knowledge including, but not limited to, the substantive offenses relating to the investigation resulting in this Plea Agreement. Defendant agrees that, in the event that the United States is released from its obligations under this Plea Agreement and brings criminal charges against defendant for any of the Relevant Offenses, the statute of limitations period for such offenses will be tolled for the period between the date of the signing of this Plea Agreement and six (6) months after the date the United States gave notice of its intent to void its obligations under this Plea Agreement.

28. Defendant understands and agrees that in any further prosecution of him resulting from the release of the United States from its obligations under this Plea Agreement based on defendant's violation of the Plea Agreement, any documents, statements, information, testimony, or evidence provided by his attorneys or agents of the United States, federal grand juries, or courts, and any leads derived therefrom, may be used against him in any such further prosecution. In addition, defendant unconditionally waives his right to challenge the use of such evidence in any such further prosecution, notwithstanding the protections of Federal Rule of Evidence 410.

## ENTIRETY OF AGREEMENT

29. This Plea Agreement constitutes the entire agreement between the United States and defendant concerning the disposition of the criminal charges in this case. This Plea Agreement cannot be modified except in writing, signed by the United States and defendant.

30. The undersigned attorneys for the United States have been authorized by the Attorney General to enter this Plea Agreement on behalf of the United States.

31. A facsimile or other electronically transmitted signature shall be deemed an original signature for the purpose of executing this Plea Agreement. Multiple signature pages are authorized for the purpose of executing this Plea Agreement.

Dated: June 18, 2009

Respectfully submitted,

By: _____

Mark W. Pletcher
Emily W. Allen
Trial Attorneys
United States Department of Justice
450 Fifth Street N.W.; Suite 11300
Washington, D.C. 20005

I have read this agreement and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. Specifically, I have reviewed the factual and advisory guidelines stipulations with my attorney, and I do not wish to change any of them. I am completely satisfied with the representation of my attorney.

Date

Christopher P. West

I am Christopher West's attorney. I have carefully reviewed every part of this agreement with him. To my knowledge, his decision to enter into this agreement is informed and voluntary.

Date

J. Clifford Greene, Esq.
Counsel for Christopher West