



U.S. Department of Justice
United States Attorney
District of New Jersey

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VK/PL AGR
2013R00069

April 6, 2017

Anthony J. Iacullo, Esq.
Iacullo Martino LLC
247 Franklin Avenue
Nutley, NJ 07110

Re: Plea Agreement with EHAB ABDELAZIZ

Dear Mr. Iacullo:

This letter sets forth the plea agreement between your client, EHAB ABDELAZIZ, and the United States Attorney for the District of New Jersey ("this Office"). Should your client wish to accept this agreement, the executed agreement must be received by this Office no later than close of business on April 13, 2017. If an executed agreement is not returned to this Office by that date, this offer will expire.

Charge

Conditioned on the understandings specified below, this Office will accept a guilty plea from EHAB ABDELAZIZ to an Information, which charges him with conspiracy to corruptly give, offer, and agree to give corrupt payments of \$5,000 and more, intending to influence and reward an agent of the City of Jersey City in connection with a business, transaction, or series of transactions of the City of Jersey City, contrary to Title 18, United States Code, Section 666(a)(2), in violation of Title 18, United States Code, Section 371. If EHAB ABDELAZIZ enters a guilty plea and is sentenced on this count, and otherwise fully complies with all of the terms of this agreement, this Office will not initiate any further criminal charges against EHAB ABDELAZIZ for (a) giving corrupt payments

to an agent of Jersey City identified in this agreement as "Co-Conspirator 1" in connection with off-duty work for Jersey City police officers from in or about January 2016 to in or about June 2016; and (b) embezzling, stealing, obtaining by fraud, misapplying, and knowingly converting property owned by and under the care, custody and control of the City of Jersey City and its police department in connection with off-duty work for Jersey City police officers from in or about January 2016 to in or about June 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, EHAB ABDELAZIZ 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 EHAB ABDELAZIZ may be commenced against him, notwithstanding the expiration of the limitations period after EHAB ABDELAZIZ signs the agreement.

Sentencing

The violation of 18 U.S.C. § 371 to which EHAB ABDELAZIZ agrees to plead guilty carries a statutory maximum prison sentence of 5 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 EHAB ABDELAZIZ 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 EHAB ABDELAZIZ ultimately will receive.

Further, in addition to imposing any other penalty on EHAB ABDELAZIZ, the sentencing judge: (1) will order EHAB ABDELAZIZ 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 EHAB ABDELAZIZ to pay restitution to all victims of the offense, pursuant to 18 U.S.C. § 3663 et seq.; (3) may order EHAB ABDELAZIZ, 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. § 981(a)(1)(C) and 28 U.S.C. § 2461; and (5) pursuant to 18 U.S.C. § 3583, the Court may require EHAB ABDELAZIZ to serve a term of supervised release of not more than 3 years, which will begin at the expiration of any term of imprisonment imposed. Should EHAB ABDELAZIZ be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, EHAB ABDELAZIZ may be sentenced to not more than 2 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.

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 EHAB ABDELAZIZ 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 EHAB ABDELAZIZ's activities and relevant conduct with respect to this case.

Stipulations

This Office and EHAB ABDELAZIZ 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 EHAB ABDELAZIZ 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 this Office'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 EHAB ABDELAZIZ 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

EHAB ABDELAZIZ agrees that as part of his acceptance of responsibility and pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, he will consent to the entry of a forfeiture money judgment in the amount of \$22,449 (the "Forfeiture Money Judgment"), representing the property constituting or derived, directly and indirectly, from proceeds traceable to the commission of the offense contrary to 18 U.S.C. § 666(a)(2) and in violation of 18 U.S.C. § 371 charged in the Information (an offense constituting specified unlawful activity as defined in 18 U.S.C. § 1956(c)(7)).

EHAB ABDELAZIZ understands and agrees that this Office intends to seek forfeiture of substitute assets pursuant to 21 U.S.C. § 853(p) (incorporated by 28 U.S.C. § 2461(c)) as to any unpaid portion of the Forfeiture Money Judgment and any specific property if the criteria set forth in 21 U.S.C. § 853(p) are met.

EHAB ABDELAZIZ agrees to consent to the entry of orders of forfeiture for the Forfeiture Money Judgment and 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. EHAB ABDELAZIZ understands that the forfeiture of the Forfeiture Money Judgment 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.

EHAB ABDELAZIZ hereby waives any and all claims that this forfeiture constitutes an excessive fine and agrees that this forfeiture does not violate the Eighth Amendment.

EHAB ABDELAZIZ represents that he has disclosed all of his assets to the United States in a Financial Disclosure Statement. EHAB ABDELAZIZ agrees that if this Office determines that he has intentionally failed to disclose assets on that Financial Disclosure Statement, that failure constitutes a material breach of this agreement. In addition, EHAB ABDELAZIZ 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 EHAB ABDELAZIZ owns or in which EHAB ABDELAZIZ has an interest be discovered, EHAB ABDELAZIZ knowingly and voluntarily waives his right to any required notice concerning the forfeiture of said assets. EHAB ABDELAZIZ further agrees to execute any documents necessary to effectuate the forfeiture of said assets. EHAB ABDELAZIZ further understands that any forfeiture of his 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.

Immigration Consequences

EHAB ABDELAZIZ understands that, if he is not a citizen of the United States, his guilty plea to the charged offense 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. EHAB ABDELAZIZ understands that the immigration consequences of this plea will be imposed in a separate

proceeding before the immigration authorities. EHAB ABDELAZIZ wants and agrees to plead guilty to the charged offense regardless of any immigration consequences of this plea, even if this plea will cause his removal from the United States. EHAB ABDELAZIZ understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, EHAB ABDELAZIZ 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 EHAB ABDELAZIZ. 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 EHAB ABDELAZIZ.

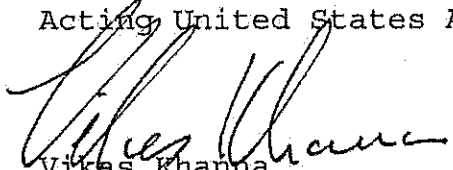
No provision of this agreement shall preclude EHAB ABDELAZIZ from pursuing in an appropriate forum, when permitted by law, an appeal, collateral attack, writ, or motion claiming that EHAB ABDELAZIZ received constitutionally ineffective assistance of counsel.

No Other Promises

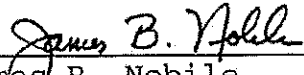
This agreement constitutes the plea agreement between EHAB ABDELAZIZ and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

Very truly yours,

WILLIAM E. FITZPATRICK
Acting United States Attorney


By: Vikas Khanna
Assistant U.S. Attorney


APPROVED:



James B. Nobile
Chief, Special Prosecutions Division

I have received this letter from my attorney, Anthony J. Iacullo, 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, restitution, 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.

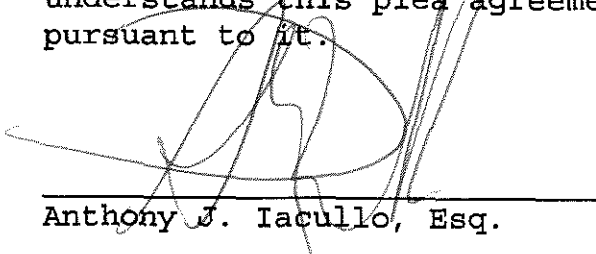
AGREED AND ACCEPTED:



EHAB ABDELAZIZ

Date: 4/12/17

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



Anthony J. Iacullo, Esq.

Date: 4/12/17

Plea Agreement With EHAB ABDELAZIZ

Schedule A

1. This Office and EHAB ABDELAZIZ recognize that the United States Sentencing Guidelines are not binding upon the Court. This Office and EHAB ABDELAZIZ nevertheless agree to the stipulations set forth herein. This Office and EHAB ABDELAZIZ 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, except as provided below.

2. The version of the United States Sentencing Guidelines effective as of November 1, 2016 applies in this case.

3. Because EHAB ABDELAZIZ has been charged with conspiracy to violate 18 U.S.C. § 666(a)(2), the applicable guideline for that offense is U.S.S.G. § 2C1.1. See U.S.S.G. § 2X1.1(a). This guideline carries a Base Offense Level of 14. See U.S.S.G. § 2C1.1(a)(1).

4. Specific Offense Characteristic U.S.S.G. § 2C1.1(b)(2) applies because the value of the payments in this case was greater than \$6,500 but less than or equal to \$15,000. This results in an increase of 2 levels. See U.S.S.G. § 2B1.1(b)(1)(B).

5. Specific Offense Characteristic U.S.S.G. § 2C1.1(b)(3) applies because the offense involved a public official in a sensitive position. This results in an increase of 4 levels.

6. As of the date of this letter, EHAB ABDELAZIZ 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 EHAB ABDELAZIZ'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, EHAB ABDELAZIZ 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 this Office to avoid preparing for trial and permitting this Office and the

court to allocate their resources efficiently. At sentencing, this Office will move for a further 1-point reduction in EHAB ABDELAZIZ's offense level pursuant to U.S.S.G. § 3E1.1(b) if the following conditions are met: (a) EHAB ABDELAZIZ enters a plea pursuant to this agreement, (b) this Office in its discretion determines that EHAB ABDELAZIZ's acceptance of responsibility has continued through the date of sentencing and EHAB ABDELAZIZ therefore qualifies for a 2-point reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a), and (c) EHAB ABDELAZIZ's offense level under the Guidelines prior to the operation of § 3E1.1(a) is 16 or greater.

8. In accordance with the above, the parties agree that the total Guidelines offense level applicable to EHAB ABDELAZIZ is 17 (the "agreed total Guidelines offense level").

9. Pursuant to Title 18, United States Code, Section 3553(a), EHAB ABDELAZIZ reserves the right to move for a variance. This Office reserves the right to oppose such a motion. The parties agree not to seek or argue for any upward or downward departure or adjustment not set forth herein.

10. EHAB ABDELAZIZ 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 17. 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 17. 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.