

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

D-1 TARIQ F. HAMAD,

Defendant.

No. 06-CR-20572

HON. DAVID M. LAWSON

Offense: wire fraud

Maximum Prison: 20 years

Maximum Fine: \$1 million

FILED  
2006 DEC 19 P 11:56  
\$250,000

**RULE 11 PLEA AGREEMENT**

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, defendant TARIQ F. HAMAD and the government agree as follows:

**1. GUILTY PLEA(S)**

**A. Count(s) of Conviction**

Defendant will enter a plea of guilty to **Count One of the Information**, which alleges that he committed **wire fraud**, in violation of 18 U.S.C. § 1343.

**B. Elements of Offense(s)**

The elements of Count One are as follows:

1. The defendant knowingly devised or participated in a scheme to defraud and obtain money or property by means of false or fraudulent pretenses or representations.
2. The scheme included a material misrepresentation or concealment of a material fact.

3. The defendant acted with the intent to defraud, that is, with the intent to deceive or cheat.
4. The defendant caused another to use wire transmissions or communications in interstate commerce in furtherance of the scheme, in that he knew that such interstate wire transmissions or communications would follow in the ordinary course of business, or in that he could have reasonably foreseen the occurrence of such interstate wire transmissions or communications.

**C. Factual Basis for Guilty Plea(s)**

The following facts are a sufficient and accurate basis for defendant's guilty plea(s):

From approximately January 2001 to June 2003, TARIQ HAMAD and another individual prepared loan applications and related documents (the loan packages), or caused them to be prepared, and would then submit the loan packages to mortgage lenders. As defendant knew, each of the loan packages submitted to a mortgage lender was fraudulent in one or more of the following ways:

- the purpose of the loan was not to buy or refinance a residence,
- the borrower described on the application was not the true borrower,
- the description of the borrower's employment was false,
- documents purporting to substantiate the borrower's employment (W-2 Forms, check stubs) were bogus,
- the appraisal was inflated and forged,
- title to the property was not free and clear, and the title company purporting to guarantee clear title was merely a name used by defendant (Taylor Title, Downriver Title, Tri-County Title) to carry out the scheme,
- photographs were included that depicted a property other than the property identified in the loan application.

Many of the fraudulent loan packages were approved and the loan proceeds were wired from the bank accounts of mortgage lenders located outside of the State of Michigan to bank accounts controlled by defendant that were located in metropolitan Detroit in the name of "Taylor Title," "TT Escrow," "Downriver Title," or

"Tri-County Title."

Defendant used most of the proceeds of the fraud to buy stocks.

**2. SENTENCING GUIDELINES**

**A. Standard of Proof**

The Court will find sentencing factors by a preponderance of the evidence.

**B. Guideline Range**

The parties disagree on the applicability of the following guideline(s): **section 4A1.1(d)**, providing for the addition of two criminal history points if the defendant committed any part of the instant offense while under any criminal justice sentence.

The government recommends that the Court determine that defendant's guideline range is **108-135 months**, as set forth on the attached worksheets. Defendant recommends that the Court determine that his guideline range is **97-121 months**, as set forth on the attached worksheet addendum. The Court is not bound by either party's recommendation concerning the guideline range, and defendant understands that he will have no right to withdraw his guilty plea if the Court does not follow his recommendation.

If the Court finds

(a) that defendant's criminal history category is higher than the category reflected on the attached worksheets, or

(b) that the offense level should be higher because, after pleading guilty, defendant made a false statement to or withheld information from his probation officer; otherwise demonstrated a lack of acceptance of responsibility for his offense(s); or obstructed justice or committed any crime,

and if any such finding results in a guideline range higher than the range recommended by either party, then the Court's higher guideline range becomes the guideline range for purposes of the sentence agreement set forth below in paragraph 3.A. However, if the Court finds that defendant is a career offender, an armed career criminal, or a repeat and dangerous sex offender as defined under the sentencing guidelines or other federal law, and that finding is not already reflected on the attached worksheets, this paragraph does *not* authorize a corresponding increase in the agreed range.

Neither party may take a position concerning the applicable guidelines that is different than any position of that party as reflected on the attached worksheets, except as necessary to the Court's determination regarding subsections (a) and (b) above.

**C. Relevant Conduct**

The relevant conduct in this case includes all of the fraudulent mortgage loans described in an FBI spreadsheet dated 09/06/06. The sum of those loans is **\$15,541,806.78.**

**3. SENTENCE**

The Court will impose a sentence pursuant to 18 U.S.C. § 3553, and in doing so must consider the guideline range.

**A. Imprisonment**

Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) the sentence of imprisonment in this case may not exceed **135 months or the top of the guideline range determined by the Court pursuant to Paragraph 2.B above, whichever is higher.**

**B. Supervised Release**

A term of supervised release, if imposed, follows the term of imprisonment. There is no agreement on supervised release. The Court may impose any term of supervised release up to the statutory maximum term, which in this case is 3 years. The agreement concerning imprisonment set forth above in Paragraph 3.A does not apply to any term of imprisonment that results from any later revocation of supervised release.

**C. Special Assessment(s)**

Defendant will pay a special assessment of \$100.00 and must provide the government with a receipt for the payment before sentence is imposed.

**D. Fine**

There is no agreement on the fine. The Court may impose a fine on Count One in any amount up to ~~\$1,000,000.00~~ <sup># 250,000.00 SLA</sup>

**E. Restitution**

The Court shall order restitution to every identifiable victim of defendant's offense(s) and all other relevant conduct. The victims, and the full amounts of restitution in this case, ~~are as follows:~~ will be identified prior to sentencing. The total restitution amount will not exceed \$15,541,806.78.

4. **FORFEITURE**

A. **Specific Subject Assets**

Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), defendant agrees to forfeit his interest in any real or personal property constituting or derived from proceeds obtained, directly or indirectly, as the result of any violation of 18 U.S.C. § 1343, including but not limited to the following assets (hereinafter referred to as the "Subject Assets"):

- \$19,878.13 in United States currency contained in the Dearborn Federal Credit Union account no. 1929553;
- \$92,556.39 in United States currency contained in Comerica Bank account no. 6815592834;
- \$119,103.24 in United States currency contained in TCF Bank account no. 3883358666;
- \$25,945.25 in United States currency contained in TCF Bank account no. 9883358774;
- \$733.61 in United States currency contained in Fifth Third Bank account no. 7910304869;
- \$6,500.00 in Morgan Stanley Dean Witter account number 43601;
- \$37,903.71 in Datek Online trading account number 666-6464.

Defendant further agrees to execute a Stipulated Consent Judgment and Final Order of Forfeiture in the related civil case United States v. \$19,878.13 in United States Currency et al., Case No. 03-40284 (E.D. Mich.), so that all forfeiture matters with respect to the Subject Assets may be resolved.

Defendant further agrees, with respect to the Subject Assets, to the entry of one or

more orders of forfeiture of his interests in such property upon application by the United States before or at the time of defendant's sentencing.

**B. Waiver of Certain Rights Associated with Forfeiture**

Defendant waives his right to have a jury determine the forfeitability of his interest in the Subject Assets as provided by Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure. Defendant waives his right to challenge any forfeiture described above in Paragraphs 4.A and 4.B based on the Excessive Fines Clause of the Eighth Amendment. Defendant waives the requirements of Federal Rules of Criminal Procedure 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 criminal judgment. Defendant acknowledges that he understands that the forfeitures described above in Paragraphs 4.A and 4.B will be a part of the sentence that will be imposed in this case and waives any failure by the court to advise him of this, pursuant to Rule 11(b)(1)(J), at the time his guilty plea is accepted.

**5. OTHER CHARGES**

If the Court accepts this agreement, the government will not bring additional charges against defendant based on any of the conduct reflected on the attached worksheets.

**6. EACH PARTY'S RIGHT TO WITHDRAW FROM THIS AGREEMENT**

~~The government may withdraw from this agreement if the Court finds the correct guideline range to be different than 108-135 months.~~

SLH DL

Defendant may withdraw from this agreement, and may withdraw his guilty plea, if the Court decides to impose a sentence higher than the maximum allowed by Part 3. This is the only reason for which defendant may withdraw from this agreement. The Court shall advise defendant that if he does not withdraw his guilty plea under this circumstance, the Court may impose a sentence greater than the maximum allowed by Part 3.

**7. RIGHT TO APPEAL**

If the sentence imposed falls within the guideline range recommended by defendant in Paragraph 2B, above, defendant waives any right to appeal his conviction. Defendant retains his right to directly appeal the Court's adverse determination of any disputed guideline issue that was raised at or before the sentencing hearing. The government agrees not to appeal any sentence within the guideline range it has recommended in Paragraph 2B, but retains the right to appeal any determination by the Court to apply a lower range or to impose a sentence below the guideline range that is unreasonable. Each party retains its right to directly appeal this Court's order of restitution.

**8. CONSEQUENCES OF WITHDRAWAL OF GUILTY PLEA OR VACATION OF CONVICTION**

If defendant is allowed to withdraw his guilty plea(s) or if any conviction entered pursuant to this agreement is vacated, the Court shall, on the government's request, reinstate any charges that were dismissed as part of this agreement. If additional charges are filed against defendant within six months after the date the order vacating defendant's conviction or allowing him to withdraw his guilty plea(s) becomes final, which charges relate

directly or indirectly to the conduct underlying the guilty plea(s) or to any conduct reflected on the attached worksheets, defendant waives his right to challenge the additional charges on the ground that they were not filed in a timely manner, including any claim that they were filed after the limitations period expired.

**9. PARTIES TO PLEA AGREEMENT**

Unless otherwise indicated, this agreement does not bind any government agency except the United States Attorney's Office for the Eastern District of Michigan.

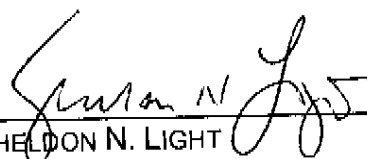
**10. SCOPE OF PLEA AGREEMENT**

This agreement, which includes all documents that it explicitly incorporates, is the complete agreement between the parties. It supersedes all other promises, representations, understandings, and agreements between the parties concerning the subject matter of this plea agreement that are made at any time before the guilty plea is entered in court. Thus, no oral or written promises made by the government to defendant or to the attorney for defendant at any time before defendant pleads guilty are binding except to the extent they have been explicitly incorporated into this agreement.

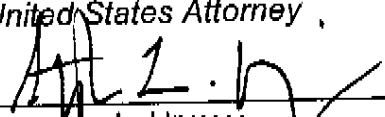
**11. ACCEPTANCE OF PLEA OFFER BY DEFENDANT**

This plea offer expires unless it has been received, fully signed, in the Office of the United States Attorney by 5:00 P.M. on October 20, 2006. The government reserves the

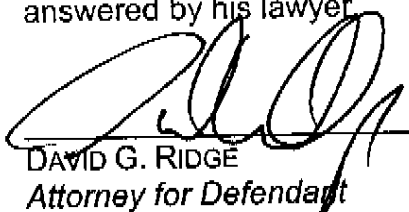
right to modify or revoke this offer at any time before defendant pleads guilty.

  
SHELDON N. LIGHT  
Assistant United States Attorney  
Chief, Economic Crimes Unit


Date: 10/16/2006

STEPHEN J. MURPHY  
United States Attorney  
  
STEPHEN L. HIYAMA  
Assistant United States Attorney

By signing below, defendant acknowledges that he has read (or been read) this entire document, understands it, and agrees to its terms. He also acknowledges that he is satisfied with his attorney's advice and representation. Defendant agrees that he has had a full and complete opportunity to confer with his lawyer, and has had all of his questions answered by his lawyer.

  
DAVID G. RIDGE  
Attorney for Defendant

Date: 12-19-06

  
TARIQ F. HAMAD  
Defendant 12-19-06

## WORKSHEET A (Offense Levels)

Defendant: TARIQ HAMAD

Count(s): \_\_\_\_\_

Docket No.: \_\_\_\_\_

Statute(s): \_\_\_\_\_

Complete one Worksheet A for each count of conviction (taking into account relevant conduct and treating each stipulated offense as a separate count of conviction) before applying the multiple-count rules in U.S.S.G. ch. 3, pt. D. However, in any case involving multiple counts of conviction, if the counts of conviction are all "closely related" to each other within the meaning of U.S.S.G. § 3D1.2(d), complete only a single Worksheet A.

### 1. BASE OFFENSE LEVEL AND SPECIFIC OFFENSE CHARACTERISTICS (U.S.S.G. ch. 2)

<u>Guideline Section</u>	<u>Description</u>	<u>Levels</u>
<u>2B1.1(a)</u>	<u>fraud (base offense level)</u>	6
<u>2B1.1(b)(1)(K)</u>	<u>\$7,000,001- \$20,000,000 loss</u>	20
<u>2B1.1(b)(2)(A)</u>	<u>10 or more victims</u>	2
<u>2B1.1(b)(8)(C)</u>	<u>sophisticated means</u>	2
<u>2B1.1(b)(12)(A)</u>	<u>derived &gt; \$1 million gross receipts from financial institution</u>	2

### 2. ADJUSTMENTS (U.S.S.G. ch. 3, pts. A, B, C)

<u>Guideline Section</u>	<u>Description</u>	<u>Levels</u>
_____	_____	
_____	_____	
_____	_____	

### 3. ADJUSTED OFFENSE LEVEL

Enter the sum of the offense levels entered in Items 1 and 2. If this Worksheet A does not cover every count of conviction (taking into account relevant conduct and treating each stipulated offense as a separate count of conviction), complete one or more additional Worksheets A and a single Worksheet B.

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*If this is the only Worksheet A, check this box and skip Worksheet B.*

✓

*If the defendant has no criminal history, check this box and skip Worksheet C.*

## WORKSHEET C (Criminal History)

Date of defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses): January 2001

### 1. PRIOR SENTENCES

**Prior Sentence of Imprisonment Exceeding 13 Months (U.S.S.G. §§ 4A1.1(a)): **3 POINTS****

Enter 3 points for each prior adult sentence of imprisonment exceeding one year and one month that either (1) was imposed within 15 years of the defendant's commencement of the instant offenses (taking into account relevant conduct and stipulated offenses) or (2) resulted in the defendant's confinement during any part of that 15-year period. (See U.S.S.G. §§ 4A1.1(a), 4A1.2(d)(1), (e)(1).)

**Prior Sentence of Imprisonment of at Least 60 Days (U.S.S.G. §§ 4A1.1(b)): **2 POINTS****

Enter 2 points for each prior sentence of imprisonment of at least 60 days not counted under U.S.S.G. § 4A1.1(a) that either (1) resulted from an offense committed after the defendant turned 18 and was imposed within 10 years of the defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses) (see U.S.S.G. §§ 4A1.1(b), 4A1.2(e)(2)) or (2) resulted from an offense committed before the defendant turned 18 and resulted in the defendant's confinement during any part of the 5-year period preceding the defendant's commencement of the instant offense (see U.S.S.G. §§ 4A1.1(b), 4A1.2(d)(2)(A)).

**Other Prior Sentences (U.S.S.G. §§ 4A1.1(c)): **1 POINT****

Enter 1 point for each prior sentence not counted under U.S.S.G. § 4A1.1(a) or (b) that either (1) resulted from an offense committed after the defendant turned 18 and was imposed within 10 years of the defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses) (see U.S.S.G. §§ 4A1.1(c), 4A1.2(e)(2)) or (2) resulted from an offense committed before the defendant turned 18 and was imposed within 5 years of the defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses) (see U.S.S.G. §§ 4A1.1(c), 4A1.2(d)(2)(B)). NOTE: No more than 4 points may be added under this item.

<u>Date of Imposition</u>	<u>Status*</u>	<u>Offense</u>	<u>Sentence</u>	<u>Release Date**</u>	<u>Points</u>
<u>06/18/93</u>	<u>A</u>	<u>B &amp; E</u>	<u>4 days' jail, 2 yrs' probation</u>	_____	<div style="border: 1px solid black; width: 20px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">1</div>
<u>05/29/02</u>	<u>A</u>	<u>assault</u>	<u>1 year's probation</u>	_____	<div style="border: 1px solid black; width: 20px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">1</div>
_____	_____	_____	_____	_____	<div style="border: 1px solid black; width: 20px; height: 20px; margin: 0 auto;"></div>
_____	_____	_____	_____	_____	<div style="border: 1px solid black; width: 20px; height: 20px; margin: 0 auto;"></div>
_____	_____	_____	_____	_____	<div style="border: 1px solid black; width: 20px; height: 20px; margin: 0 auto;"></div>

\* If the defendant committed the offense before turning 18, indicate whether he or she was sentenced as a juvenile (J) or as an adult (A).

\*\* A release date is required in only three situations: (1) when a sentence covered under U.S.S.G. § 4A1.1(a) was imposed more than 15 years before the defendant's commencement of the instant offense (taking into account relevant conduct and stipulated offenses) but resulted in his or her confinement during any part of that 15-year period; (2) when a sentence counted under U.S.S.G. § 4A1.1(b) was imposed for an offense committed before the defendant turned 18 but resulted in his or her confinement during any part of the 5-year period preceding his or her commencement of the instant offense (taking into account relevant conduct and stipulated offenses); and (3) when 2 criminal history points are added pursuant to U.S.S.G. § 4A1.1(e) because the defendant committed the instant offense (taking into account relevant conduct and stipulated offenses) shortly after or during imprisonment resulting from a sentence counted under U.S.S.G. § 4A1.1(a) or (b) or while he or she was on escape status for such a sentence.

(WORKSHEET C, p. 2)

2. **COMMISSION OF INSTANT OFFENSE WHILE UNDER PRIOR SENTENCE (U.S.S.G. § 4A1.1(d))**  
 Enter 2 points if the defendant committed any part of the instant offense (taking into account relevant conduct and stipulated offenses) while under any criminal justice sentence having a custodial or supervisory component, including probation, parole, supervised release, imprisonment, work release, and escape status. (See U.S.S.G. §§ 4A1.1(d), 4A1.2(m), (n).) List the type of control and identify the sentence from which it resulted.

2

1 year's probation, imposed 05/29/02

3. **COMMISSION OF INSTANT OFFENSE SHORTLY AFTER OR DURING IMPRISONMENT (U.S.S.G. § 4A1.1(e))**

Enter 2 points if the defendant committed any part of the instant offense (taking into account relevant conduct and stipulated offenses) either less than 2 years after release from imprisonment on a sentence counted under U.S.S.G. §§ 4A1.1(a) or 4A1.1(b) or while in imprisonment or escape status on such a sentence. However enter, only 1 point for this item if 2 points were added under Item 2. (See U.S.S.G. §§ 4A1.1(e), 4A1.2(n).) List the date of release and identify the sentence from which it resulted.

4. **PRIOR SENTENCE RESULTING FROM CRIME OF VIOLENCE (U.S.S.G. § 4A1.1(f))**

Enter 1 point for each prior sentence resulting from a conviction for a crime of violence that did not receive any points under U.S.S.G. § 4A1.1(a), (b), or (c) because such sentence was considered related to another sentence resulting from a conviction for a crime of violence. But enter no points where the sentences are considered related because the offenses occurred on the same occasion. (See U.S.S.G. §§ 4A1.1(f), 4A1.2(p).) Identify the crimes of violence and briefly explain why the cases are considered related. NOTE: No more than 3 points may be added under this item.

5. **TOTAL CRIMINAL HISTORY POINTS**

Enter the sum of the criminal history points entered in Items 1-4.

4

6. **CRIMINAL HISTORY CATEGORY**

Total Criminal History Points      Criminal History Category

0 - 1	I
2 - 3	II
4 - 6	III
7 - 9	IV
10 - 12	V
≥ 13	VI

III

## WORKSHEET D (Guideline Range)

**1. (COMBINED) ADJUSTED OFFENSE LEVEL**

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Enter the adjusted offense level entered in Item 3 of Worksheet A or the combined adjusted offense level entered in Item 8 of Worksheet B.

**2. ADJUSTMENT FOR ACCEPTANCE OF RESPONSIBILITY (U.S.S.G § 3E1.1)**

-3

**3. TOTAL OFFENSE LEVEL**

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Enter the difference between Items 1 and 2.

**4. CRIMINAL HISTORY CATEGORY**

III

Enter "I" if the defendant has no criminal history. Otherwise, enter the criminal history category entered in Item 6 of Worksheet C.

**5. CAREER OFFENDER / CRIMINAL LIVELIHOOD / ARMED CAREER CRIMINAL (U.S.S.G. ch. 4, pt. B)**

- a. Total Offense Level: If the career offender provision (U.S.S.G. § 4B1.1), the criminal livelihood provision (U.S.S.G. § 4B1.3), or the armed career criminal provision (U.S.S.G. § 4B1.4) results in a total offense level higher than the total offense level entered in Item 3, enter the higher offense level total.
- b. Criminal History Category: If the career offender provision (U.S.S.G. § 4B1.1) or the armed career criminal provision (U.S.S.G. § 4B1.4) results in a criminal history category higher than the criminal history category entered in Item 4, enter the higher criminal history category.

**6. GUIDELINE RANGE FROM SENTENCING TABLE (U.S.S.G. ch. 5, pt. A)**

**108-135**  
months

Enter the guideline range in the Sentencing Table (see U.S.S.G. ch. 5, pt. A) produced by the total offense level entered in Item 3 or 5.a and the criminal history category entered in Item 4 or 5.b.

**7. STATUTORY RESTRICTIONS ON OR SUPERSESSION OF GUIDELINE RANGE**

months

If the maximum sentence authorized by statute is below, or a minimum sentence required by statute is above the guideline range entered in Item 6, enter either the guideline range as restricted by statute or the sentence required by statute. (See U.S.S.G. § 5G1.1.) If the sentence on any count of conviction is required by statute to be consecutive to the sentence on any other count of conviction, explain why.

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## WORKSHEET E (Guideline Sentences)

### 1. PROBATION (U.S.S.G. ch. 5, pt. B)

#### a. Imposition of a Term of Probation (U.S.S.G. § 5B1.1)

1. Probation is not authorized by the guidelines (minimum of guideline range > 6 months or statute of conviction is a Class A or a Class B felony). If this box is checked, go to Item 2 (Split Sentence).

2. Probation is authorized by the guidelines (minimum of guideline range = zero months).

3. Probation is authorized by the guidelines, provided the court imposes a condition or combination of conditions requiring intermittent confinement, community confinement, or home detention satisfying the minimum of the guideline range (minimum of guideline range > 0 months but ≤ 6 months).

#### b. Length of Term of Probation (U.S.S.G. § 5B1.2)

1. At least 1 year but not more than 5 years (total offense level ≥ 6).

2. No more than 3 years (total offense level < 6).

#### c. Conditions of Probation (U.S.S.G. § 5B1.3)

The court must impose certain conditions of probation and may impose other conditions of probation.

### 2. SPLIT SENTENCE (U.S.S.G. § 5C1.1(c)(2), (d)(2))

a. A split sentence is not authorized (minimum of guideline range = 0 months or > 10 months).

b. A split sentence is authorized (minimum of guideline range > 0 months but ≤ 10 months). The court may impose a sentence of imprisonment that includes a term of supervised release with a condition that substitutes community confinement or home detention for imprisonment, provided that at least one-half of the minimum of the guideline range is satisfied by imprisonment (if the minimum of the guideline range is 8, 9, or 10 months), or that at least one month is satisfied by imprisonment (if the minimum of the guideline range is 1, 2, 3, 4, or 6 months). The authorized length of the term of supervised release is set forth below in Item 4.b

### 3. IMPRISONMENT (U.S.S.G. ch. 5, pt. C)

A term of imprisonment is authorized by the guidelines if it is within the applicable guideline range (entered in Item 6 of Worksheet D). (See U.S.S.G. § 5C1.1.)

(WORKSHEET E, p. 2)

**4. SUPERVISED RELEASE (U.S.S.G. ch 5., pt. D)****a. Imposition of a Term of Supervised Release (U.S.S.G. § 5D1.1)**

The court must impose a term of supervised release if it imposes a term of imprisonment of more than one year, or if it is required to do so by statute. The court may impose a term of supervised release if it imposes a term of imprisonment of one year or less.

**b. Length of Term of Supervised Release (U.S.S.G. § 5D1.2)**

1. At least 3 years but not more than 5 years, where the count of conviction is a Class A or a Class B felony, i.e., an offense carrying a maximum term of imprisonment  $\geq 25$  years.

2. At least 2 years but not more than 3 years, where the count of conviction is a Class C or a Class D felony, i.e., an offense carrying a maximum term of imprisonment  $\geq 5$  years but  $< 25$  years.

3. 1 year, where the count of conviction is a Class E felony or a Class A misdemeanor, i.e., an offense carrying a maximum term of imprisonment  $> 6$  months but  $< 5$  years.

4. The statute of conviction requires a minimum term of supervised release of \_\_\_\_\_ months/years.

**c. Conditions of Supervised Release (U.S.S.G. § 5D1.3)**

The court must impose certain conditions of supervised release and may impose other conditions of supervised release.

**5. RESTITUTION (U.S.S.G. § 5E1.1)**

a. The court *must* order full restitution to the victim(s) of the offense(s) of conviction. (See 18 U.S.C. §§ 3556, 3663A, 3664.) The court will determine who the victims are and their restitution amounts.

b. The court *must* order full restitution to the victim(s) of the offense(s) of conviction. (See 18 U.S.C. §§ 3556, 3663A., 3664) The parties agree that full restitution is **no greater than \$15,541,806.78.**

c. The parties agree that the court *may* order restitution to the victim(s) of the offense(s) of conviction in any amount up to and including \$ \_\_\_\_\_. (See 18 U.S.C. §§ 3663(a)(3), 3664.)

d. The parties agree that the court *may also* order restitution to persons other than the victim(s) of the offense(s) of conviction in any amount up to and including \$ \_\_\_\_\_. (See 18 U.S.C. §§ 3663(a)(1)(A), 3663A(a)(3), 3664.)

e. Restitution is not applicable.

(WORKSHEET E, p. 3)

**6. FINE (U.S.S.G. § 5E1.2)**

a. Fines for Individual Defendants

The court must impose a fine unless “the defendant establishes that he [or she] is unable to pay and is not likely to become able to pay any fine.” (See U.S.S.G. § 5E1.2(a).) Generally, the fine authorized by the guidelines is limited to the range established in the Fine Table. (See U.S.S.G. § 5E1.2(b).) However, there are exceptions to this general rule. (See U.S.S.G. § 5E1.2(b), (c)(4).)

b. Fine Range from Fine Table (U.S.S.G. § 5E1.2(c)(3))

<u>Minimum Fine</u>	<u>Maximum Fine</u>
<u>\$15,000</u>	<u>\$150,000</u>

**7. SPECIAL ASSESSMENT(S) (U.S.S.G. § 5E1.3)**

The court must impose a special assessment on every count of conviction. The special assessments for individual defendants are

- \$100.00 for every count charging a felony (\$50.00 if the offense was completed before April 24, 1996)
- \$ 25.00 for every count charging a Class A misdemeanor,
- \$ 10.00 for every count charging a Class B misdemeanor, and
- \$ 5.00 for every count charging a Class C misdemeanor or an infraction.

The defendant must pay a special assessment or special assessments in the total amount of \$100.

**8. ADDITIONAL APPLICABLE GUIDELINES, POLICY STATEMENTS, OR STATUTES**

List any additional applicable guideline, policy statement, or statute: \_\_\_\_\_  
 \_\_\_\_\_

**9. UPWARD OR DOWNWARD DEPARTURE (U.S.S.G. ch. 5, pts. H & K)**

List any applicable aggravating or mitigating circumstance that might support an upward or downward departure from the applicable advisory guideline range.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**WORKSHEET ADDENDUM**

**Defendant Tariq Hamad's Guideline Calculation**

2B1.1(a)	fraud (base offense level)	+ 6
2B1.1(b)(1)(K)	\$7,000,001 - \$20,000,000 loss	+20
2B1.1(b)(2)(A)	10 or more victims	+ 2
2B1.1(b)(8)(C)	sophisticated means	+ 2
2B1.1(b)(12)(A)	derived > \$1 million gross from fin. institutions	+ 2
3E1.1	acceptance of responsibility	<u>- 3</u>
TOTAL OFFENSE LEVEL		29
CRIMINAL HISTORY CATEGORY		II
GUIDELINE RANGE		97-121 months