



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

F I L E D
NOV 13 2007

CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

No. 07-20156

-vs-

HON. AVERN COHN

D-1 NADA NADIM PROUTY,

Defendant.

RULE 11 PLEA AGREEMENT

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, defendant NADA NADIM PROUTY and the government agree as follows:

1. **GUILTY PLEA(S)**

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

Defendant will waive grand jury indictment and enter a plea of guilty to **Counts One, Two and Three** of the Second Superseding Information. Count One charges Conspiracy for which the maximum penalty is 5 Years imprisonment and a \$250,000 fine; Count Two charges Unauthorized Computer Access for which the maximum penalty is 1 Year imprisonment and a \$100,000 fine; Count Three charges Naturalization Fraud for the which the maximum penalty is 10 Years imprisonment and a \$250,000 fine, and requires the Court to de-naturalize the defendant pursuant to 8 U.S.C. § 1451(e).



B. Elements of Offense(s)

The elements of Count One (Conspiracy) are:

- (1) Two or more persons conspired and agreed to defraud the United States and to commit the offenses against the United States referenced in the Information;
- (2) Defendant *deliberately joined or became a member of the conspiracy* having knowledge of its purposes; and
- (3) The conspirators committed at least one overt act in furtherance of the conspiracy and to effect the objects of the conspiracy.

The elements of Count Two (Unauthorized Computer Access) are:

- (1) Defendant accessed a computer and thereby obtained information from an agency of the United States;
- (2) In so doing, defendant exceeded her authorized access to information within the computer system; and
- (3) Defendant did so intentionally and not as a result of an accident or mistake.

The elements of Count Three (Naturalization Fraud) are:

- (1) Defendant obtained naturalization or citizenship;
- (2) Defendant did so contrary to law by making false statements which were material; and
- (3) Defendant did so knowingly and intentionally.



C. Factual Basis for Guilty Plea

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

From April 13, 1990 through September 21, 2007, NADA NADIM PROUTY conspired with Samar Khalil Nabbouh, Elfat Nadim El Aouar, Talal Khalil Chahine, and others to defraud the United States of valuable benefits of U.S. citizenship including U.S. government employment, security clearances, U.S. military commissions, passports etc., and to commit offenses against the United States including marriage fraud, naturalization fraud, perjury, false statements, and use of fraudulently procured proof of citizenship. In furtherance of the conspiracy and to effect its objects, NADA NADIM PROUTY committed the following overt acts: 1.) Defendant PROUTY committed marriage fraud in violation of 8 U.S.C. § 1325 by marrying U.S. citizen Chris Michael Deladurantaye in Detroit, Michigan on August 9, 1990 for the purpose of evading U.S. immigration laws; 2.) Defendant PROUTY submitted a series of false, fraudulent and forged documents and letters to immigration authorities verifying the validity of the fraudulent marriage in order to obtain permanent residency status and, later, U.S. citizenship, thereby committing naturalization fraud in violation of 18 U.S.C. § 1425(a). In fact, defendant PROUTY hired Deladurantaye to marry her, never had any relationship with Deladurantaye or consummated the marriage, and never resided with Deladurantaye as husband and wife as falsely represented continuously throughout her A-file (alien file); 3.) Defendant PROUTY defrauded the Federal Bureau of Investigation into hiring her on or about April 21, 1997 by, among other things, utilizing her fraudulently procured naturalization certificate, continuing to assert that her marriage to Deladurantaye was legitimate, and denying or failing to disclose any criminal or other compromising activity in her background; 4.) Defendant PROUTY defrauded the Central Intelligence Agency into hiring her on or about February 15, 2003 by, among other things, referencing her fraudulently procured naturalization certificate, continuing to assert that her marriage to Deladurantaye was legitimate, and denying or failing to disclose any criminal or other compromising activity in her background.

On June 24, 2003, NADA NADIM PROUTY, while employed as a Special Agent of the Federal Bureau of Investigation, an agency of the U.S. Department of Justice, intentionally accessed the FBI Automated Case Support (ACS) computer system to obtain information from a national security investigation being conducted by the FBI's Detroit, Michigan field office. The case number of the investigation was DE-74791. The subject matter of the investigation was the designated foreign terrorist organization, Hizballah. Defendant was not assigned to work on Hizballah cases as part of her FBI duties, and she was not authorized by her supervisor, the case agent assigned to the case, or anyone else to access information from the investigation in question. At the time, defendant PROUTY knew that she was permitted to access information from the ACS system for official business only and that the information was available only to persons having a legitimate need to know.



2. SENTENCING GUIDELINES

A. Standard of Proof

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

B. Agreed Guideline Range

There are no sentencing guideline disputes. Except as provided below, defendant's guideline range is 6 to 12 months, as set forth on the attached worksheets. If the Court finds:

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

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

and if any such finding results in a guideline range higher than 6 to 12 months, the higher guideline range becomes the agreed range. 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 in 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 in the attached worksheets, except as



necessary to the Court's determination regarding subsections a) and b), above. Apart from the actual calculation of the sentencing guideline range, this agreement does not limit defendant's ability to argue for a sentence below the stipulated sentencing guideline range based upon the sentencing factors of 18 U.S.C. § 3553.

3. SENTENCE

The Court will impose a sentence pursuant to 18 U.S.C. § 3553, and in doing so must consider the sentencing 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 the mid-point of the sentencing guideline range as determined by Paragraph 2B. Moreover, the government will not oppose defendant's request to be sentenced under the alternatives referenced in U.S. Sentencing Guideline § 5C1.1(c)(2) & (3), applicable to Zone B of the Sentencing Table.

B. Supervised Release

A term of supervised release may follow any term of imprisonment. The Court may impose a term of supervised release on count one, two, and three of up to 3 years on each count. The agreement concerning imprisonment described above in Paragraph 3A 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 \$225 and must provide the government



with a receipt for the payment before sentence is imposed.

D. Fine

The Court may impose a fine on each count of conviction in any amount up to \$250,000.

E. Restitution

Restitution is not applicable to this case.

4. WAIVER OF STATUTE OF LIMITATIONS.

Defendant has been advised that the statute of limitations for Naturalization Fraud in violation of 18 U.S.C. § 1425 is ten years after the commission of the offense. 18 U.S.C. § 3291. Accordingly, defendant could not be prosecuted for count 3 of the Second Superseding Information without her consent and express waiver of the statute of limitations, which expired on or about August 5, 2004. Defendant hereby waives the statute of limitations otherwise applicable to count 3, consents to be prosecuted on that charge without regard to the statute of limitations and to plead guilty to the charge.

5. DEFENDANT'S EMPLOYMENT.

Defendant agrees to take all necessary steps to resign from her employment with the Central Intelligence Agency (CIA) by November 6, 2007, and to fully and truthfully cooperate with the CIA on any matters the CIA deems necessary to transition defendant out of its employment in a manner consistent with safeguarding the national security of the United States. Such cooperation is to include, but is not limited to, defendant's participation in debriefing and polygraph interviews to be conducted and concluded at the

