

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
 v.) NO. 3:04-00191
)
AHMED HASSAN AL-UQAILY) JUDGE ECHOLS

POSITION OF THE UNITED STATES REGARDING SENTENCING

The United States of America submits this statement of its position regarding the sentencing of the defendant, Ahmed Hassan Al-Uqaily.

The United States notes that the defendant pled under Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, pursuant to a plea agreement. The plea agreement called, for, in pertinent part: (1) a term of incarceration of 57 months; (2) defendant's waiver of any claim to the funds at issue in the forfeiture action pending in this district as civil action number 3:04-0987, provided that, in the event the funds are forfeited to the United States, defendant shall receive \$5,000 of the funds and maintain it in a bank account for the specific purpose of facilitating defendant's post-incarceration integration into society; (3) imposition of no fine; (4) defendant's waiver of any claim that he is not a removable alien; (5) defendant's agreement to the entry of an order of removal by a United States immigration judge; and (6) the parties' waiver of certain appellate rights.

The United States therefore notes that the parties have no disagreement regarding the appropriate prison term and fine, and urges the Court to accept the plea agreement and sentence the defendant, accordingly, to: (1) 57 months imprisonment; and (2) no fine.

With respect to supervised release, the United States urges the Court to order, pursuant to the final sentence of 18 U.S.C. § 3583(d), as a condition of supervised release, that defendant be deported and remain outside of the United States and that defendant be delivered to a duly authorized immigration official for such deportation.

With respect to other aspects of the sentence to be pronounced by the Court (including other aspects of supervised release), the United States takes no specific position, and would defer to the discretion of the Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served this 17th day of October, 2005, via the Court's electronic filing system, upon the following:

David Baker, Esquire
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Office of the Federal Public Defender
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Nashville, Tennessee 37203

/s Eli Richardson