



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED IN OPEN COURT
DATE: 4/3/07
TIME: 2:48 PM
INITIALS: JPW

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 BASSAM DARWISHAHMAD)
)
 Defendant.)

Criminal No. 07-20057

PLEA AGREEMENT

The United States Attorney's Office for the Western District of Tennessee, the defendant, **BASSAM DARWISHAHMAD**, and the attorney for the defendant, MARK A. MESSLER, have reached an agreement that contemplates the entry of a plea of guilty by the defendant in this case.

The full and complete plea agreement is as follows:

1. **BASSAM DARWISHAHMAD** agrees that he will enter a voluntary plea of guilty to count 2 of the indictment in this case. Count 2 alleges a violation of 18 USC § 1546, false statements on immigration documents.
2. The United States agrees to dismiss any remaining counts of the indictment against the defendant at the appropriate time.
3. Both parties agree to waive preparation of a presentence report and agree to have sentencing take place immediately following the defendant's guilty plea. In light of the defendant's agreement to cooperate fully in his removal from the



United States, and his agreement to remain in custody until he is actually removed from the United States, the United States agrees to recommend that the imprisonment portion of the defendant's sentence be time served as of the day of his sentencing, to be followed by 3 years of supervised release. Both parties agree, for purposes of this plea agreement only, that this sentence takes into account all relevant factors under 18 USC § 3553(a).


4. The Defendant agrees to cooperate fully and take all steps necessary to expedite his removal from the United States.
5. The Defendant agrees that he shall remain in custody of the United States until he is actually removed from the United States. If the defendant is transferred from the Custody of the United States Marshal to the Custody of the Department of Homeland Security for purposes of removal, then he agrees to remain in custody and not seek release or bail.
6. The Defendant, who is neither a U.S. citizen nor a resident alien, agrees that a condition of supervised release shall be that, other than when in the custody of the United States pending his removal, he shall not be physically present within the United States or any of its territories during the period of supervision imposed by the District Court.
7. Given the facts in the possession of the United States at the time of the writing of this agreement, the United States does not oppose the defendant receiving acceptance of responsibility credit pursuant to U.S.S.G. Section 3E1.1. The defendant understands that if the United States receives information between the signing of this agreement and the time of the sentencing that the defendant



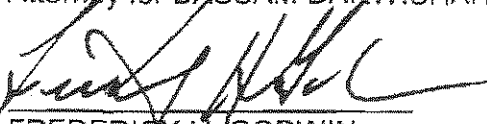
has previously engaged in, or if the defendant engages in the future, in conduct inconsistent with the acceptance of responsibility, including, but not limited to, participation in any additional criminal activities between now and the time of sentencing, this position could change. Further, the defendant understands that whether or not acceptance of responsibility credit pursuant to Section 3E1.1 is granted and to the extent of which it is granted is a matter to be determined by the District Court. Failure of the District Court to grant acceptance of responsibility credit is not a basis for the defendant to withdraw the guilty plea.


BASSAM DARWISHAHMAD
Defendant

4/3/07
Date


MARK A. MESSLER
Attorney for BASSAM DARWISHAHMAD

4/3/07
Date


FREDERICK H. GODWIN
Assistant United States Attorney
167 North Main Avenue
800 Federal Building
Memphis, TN 38103

Date